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SPECIAL ISSUE:

‘Claimed from Stationers’ Hall’: papers from an
AHRC-funded network project

Edited by Martin Holmes & Karen E. McAulay

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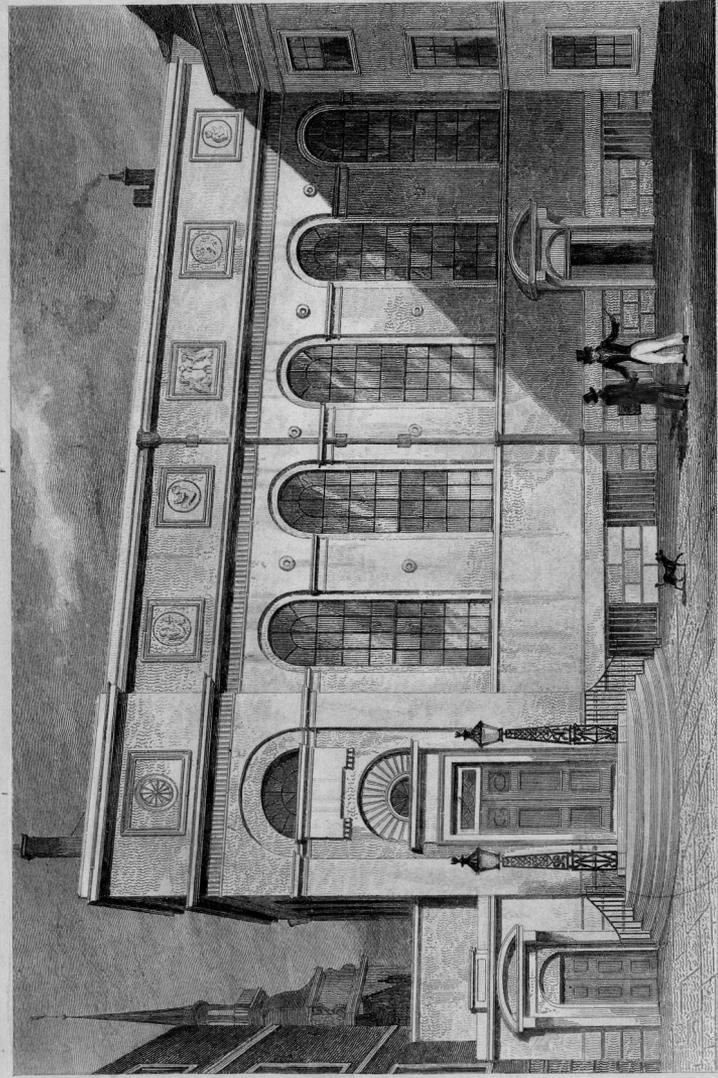
**Royal Conservatoire
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CONTENTS

Editorial	1
Obituary: Clifford Bartlett <i>Malcolm Jones</i>	3
‘Neither exhaustive nor selective’: Legal deposit, Sir Thomas Bodley, and the growth of the music collections at his Library in Oxford <i>Martin Holmes</i>	6
Early music legal deposit (1710-1836) in the National Library of Scotland and its predecessor library, the Library of the Faculty of Advocates <i>Almut Boehme</i>	16
Legal deposit music at University of Glasgow Library, 1710-1836 <i>Robert MacLean</i>	31
Discovering Copyright Music in the University of St Andrews Library <i>Briony Harding, Elizabeth Henderson & Karen E. McAulay</i>	38

Stationers' Hall music at Aberdeen <i>Jane Pirie</i>	50
(Dis)Claimed from Stationers' Hall: the case of Trinity College Dublin <i>Roy Stanley</i>	54
The ones that got away: Sion College and King's Inns <i>Karen E. McAulay & Sile O'Shea</i>	60
Skulduggery in St Martin's Lane: a nasty case of piracy? <i>Margaret Jones</i>	62
Performance potential of Stationers' Hall collections <i>Brianna E. Robertson-Kirkland</i>	77
Non-Print Legal Deposit and Music in the UK: a progress report <i>Richard Chesser & Rupert Ridgewell</i>	87
Exhibition review	96
Book reviews	99
IAML (UK & Ireland) Executive Committee	110
Notes for contributors	111
Advertising and subscription rates	113

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Drawn by Tho. H. Shepherd.

Engraved by W. Watkins.

STATIONERS' HALL, STATIONERS' HALL COURT.

James & Co Temple of the Muses, Finsbury Square, London, Jan. 9. 1830.

EDITORIAL

Martin Holmes & Karen E. McAulay

Welcome to this special issue of *Brio* which is largely devoted to contributions arising from Dr Karen McAulay's AHRC Network project 'Claimed From Stationers' Hall'. The articles in this issue therefore look at various aspects of the historic collections of music acquired under the provisions of legislation governing copyright and legal deposit, legislation which it has nevertheless proved almost impossible to enforce over the centuries. The main focus of the project has been the Georgian period, following the Statute of Anne in 1710, under which a total of nine institutions held the legal deposit privilege. However, the first article also touches on the agreement between Sir Thomas Bodley and the Stationers' Company (1610), generally considered to be the forerunner of the succeeding legislation, and the final article brings us right up-to-date with current developments in the world of Non-Print Legal Deposit for music.

Representatives of several of the libraries concerned give accounts of the different ways in which their respective institutions responded to the 'privilege' of receiving sheet music into their collections, at a time when few had a need for it, and how they have treated it over years. One contributor looks at what this corpus of music can offer to performers and another examines the fascinating career of a music printer from the eighteenth century only a handful of whose publications were 'Registered at Stationers' Hall' and deposited in the libraries. The book reviews largely tie into the theme in one way or another and there is also a review of an exhibition of theatre-going in the Georgian period, the environment in which much of this legal deposit music would have been performed.

Although this is a special issue, *Brio* remains the journal of IAML (UK & Ireland) and the volume begins with a tribute to a much-loved former member of the Executive Committee, one-time Editor of *Brio* and an important figure in the world of early music, the late Clifford Bartlett. It has been a sad period for the music library community with the additional recent losses of Arthur Searle, Kathleen Ravenhall (née Collins) and Malcolm Lewis. Tributes to these three individuals will follow in the next issue.

Returning to the theme of this volume, my guest co-editor for this issue, writes:

Little could I have predicted, when I was invited to take a look at St Andrews University Library's Copyright Music Collection back in 2014, that I would embark upon research leading to the 'Claimed From Stationers' Hall' AHRC-funded network, and ultimately to the present issue of *Brio*. The story of Georgian legal deposit music turned out to be more intriguing than I could have expected, and the topic capable of interrogation from a variety of viewpoints, whether in the context of early copyright and legal deposit legislation, or the decisions taken by those in charge of stock acquisition in the various receiving libraries. In some cases, the place of music and libraries in the lives of particular individuals raised some interesting questions about cultural and social history. In others, specific genres or even notable publications proved worthy of further scrutiny.

The founding of the network led to a memorable study day at the Royal Conservatoire of Scotland in 2017, numerous email exchanges and conversations about the various topics that arose, not to mention speaking opportunities at seminars, conferences and other networks, whether in the music library community, gatherings of rare books librarians, copyright educators, musicologists, or literary scholars and historians. Who would have thought that a few tonnes of old sheet music, often enough considered as ephemeral by their early recipients, would have generated so much discussion in the early twenty-first century? A funded research network is expected to demonstrate outreach as well as outputs; 'Claimed From Stationers' Hall' has certainly achieved plenty of both, also showcasing the wealth of expert knowledge amongst librarian colleagues not to mention other researchers. The present publication brings together just some of the insights uncovered. The bibliography on the network's website (<https://ClaimedFromStationersHall.wordpress.com>) lists not only further outputs, but also the earlier work of many other scholars on related topics. My thanks go to all who have collaborated in the publication of this issue of *Brio*, and also to those upon whose earlier work we have drawn. Ultimately, the whole purpose of research is for the discovery and then dissemination of new knowledge, and to that end, I'm very grateful to IAML (UK & Irl) for graciously allowing this issue to be devoted to the legal deposit and copyright theme.

There are sure to be more stories to be uncovered, perhaps also about the publishers who most frequently deposited their music at Stationers' Hall in the first place. The present journal issue therefore represents the status quo of research 'where we are now', but certainly not its conclusion.

OBITUARY

Clifford Bartlett (15.08.1939 - 12.08.2019)

Clifford was born in Sydenham (London), but spent much of the war in Darlington; on returning to London, he won a scholarship to Dulwich College. He gained an Exhibition in Classics to Magdalene College Cambridge, where he studied from 1958 to 1961, becoming MA. During this time his interests shifted to English Literature, and he shared his passion for music with his tutor John Stevens, the scholar on Music and Poetry in the early Tudor Court, and Medieval Carols, and also ran a choir.

His first jobs were working in the Map Room of Senate House Library (London University), followed by some years as a cataloguer at The Royal Academy of Music Library, where he is remembered for cataloguing the Savage/Stevens collection of early music in MSS and printed editions, and for devising a classification scheme which enabled the stock to be displayed on open access, rather than being fetched from stacks; it is still in use today. This early experience informed a life spent making music, especially early music, available to performers and researchers. It is difficult for many today to imagine how difficult access to good editions of this material was in those days.

He then became Deputy Music Librarian at the BBC, providing music for the BBC Orchestras and the Proms. He developed his interest in performing Early Music: he met Peter Holman, Tony Rooley, Emma Kirkby, Andrew Parrott and many others. From 1963, he attended the annual Dartington Music School and struck up a friendship with David Munrow. He played keyboard in Peter Holman's early group *Ars Nova*, which became *The Parley of Instruments*, and for a time accompanied Deborah Roberts in a short lived early group, *The Landini Consort*.

He joined the IAML Branch Executive in 1970, and was Meetings Secretary from 1973/4, organising regular meetings and the Annual Conference single-handedly; the present committee structure was only introduced in 1980/1. In the 1980 Report, President John May wrote: 'A special tribute is due to the tireless work of the Meetings Secretary, Clifford Bartlett, who is retiring from this important Branch Office after 8 years'.

I first met Clifford in 1972, at the IAML International Conference in

Regent's Park, London. Incredible as it may seem, there was a proposal to discontinue *Brio*, and a rescue plan was devised; as I was heavily involved, I refer the curious to his editorial in *Brio* vol. 22 no. 1 (Spring/Summer 1985). After a period when we were joint editors, he became sole editor until 1985.

In the late 1970s he was also Chair of the Bibliography Committee, and a member of the Publications Committee, both later subsumed into the Documentation Committee. I was on the Executive Committee of the branch for these years, and we met there and regularly at other events.

Clifford met his wife to be, Elaine King (a science teacher) in a Pizza Express near The British Museum. They were married in 1975; their wedding was remarkable for the presence of a great bass shawm, some three metres long and carried by two men! At this time he lived and breathed music. He played, he sang, he poured over facsimile editions which, in many cases, he considered better than the heavily edited modern editions.

After the birth of his children Clare (1978) and John (1981), both of whom suffered with learning difficulties, it was decided that he and Elaine would work from home. He left the BBC in 1983. He ceased IAML activity around 1984.

In 1984, he set up King's Music, which initially provided copies of facsimile editions to amateurs and professionals alike. With the development of software to set music in the 1990s, he spent time making Urtext editions of his favourite composers, Monteverdi, Handel and Purcell, in collaboration with Brian Clark. Over the years, he supplied music and advice to the leading players in the 'Early Music' movement, and to leading opera houses and festivals around the world (including several modern opera premieres at the Boston Early Music Festival). He was always accompanied by his family, to whom he and Elaine devoted much of their time and effort. He remained a ready source of advice to all; I was not the only librarian who would ring him with abstruse queries. His editions, remarkably cheap to purchase, were excellent; they were used by many of the leading performers and acquired by numbers of libraries.

As well as his own publications, he produced the now standard OUP editions of Handel's *Messiah* and the *Coronation Anthems*, and worked with John Rutter and OUP to produce a Choral Music Series. Having previously been editor of *Early Music News* (published by the Early Music Centre) – as well as *Brio*, of course! – from 1994 he published his own magazine, *Early Music Review*. He was a past chairman of both the National Early Music Association and Eastern Early Music Forum, and a member of The Viola da Gamba Society, The Lute Society, The Sacred Music and Drama Society, and the Royal Musical Association.

Sadly, over the last five years, Alzheimer's took its toll and he was unable to enjoy music or understand what it was that he used to do. It is remarkable

that his ability to read and play complex scores at the keyboard remained even after he could no longer read or write. He died at Hinchingsbrooke Hospital in Huntingdon three days short of his eightieth birthday.

Clifford did much to secure the early foundations of the Branch, and his publishing activity is a fine legacy, but on its own does not begin to testify to the debt we all owe to him for the person he was, his friendship and his ready and kindly advice.

Malcolm Jones

**‘NEITHER EXHAUSTIVE NOR SELECTIVE’:
LEGAL DEPOSIT, SIR THOMAS BODLEY, AND THE
GROWTH OF THE MUSIC COLLECTIONS
AT HIS LIBRARY IN OXFORD**

Martin Holmes

In the days when open-top tourist buses used to linger at the traffic lights outside the windows of the old Bodleian Music Reading Room, tour guides would often spout forth about the Bodleian Library which ‘has a copy of every book that has ever been published’; the slightly better-informed guides might qualify that with the addition of ‘in the UK’, a vague reference to the fact that the Bodleian is one of the six current libraries of legal deposit in the UK and Ireland. These statements are, of course, wildly inaccurate for, although the Library has had some form of deposit agreement in place now for more than four hundred years, for long periods, practically nothing was received by this route and, even when deposit arrangements are working well, coverage has always been distinctly patchy. The Library’s holdings of British publications are therefore far from comprehensive and a large proportion of what the Library does hold, particularly from the earlier period, will have been received by donation or purchase, rather than under legal deposit. The same applies, to an even greater extent, to printed music.¹

Although the University of Oxford had a functioning library as early as 1409,² its contents were largely destroyed at the Reformation in 1550, during

¹ Sources of information for the early history of deposits from Stationers’ Hall to the Bodleian are patchy and it is often not possible to identify deposited copies with any certainty. A few of the lists which accompanied shipments of books survive from the 17th and 18th centuries (Bodleian Libraries, University of Oxford, Library Records c.856-7); ‘Mr Greenhill’s lists’ survive from the 19th century (Library Records c.858 ff.); ‘Registers of music received from Stationers’ Hall and under the Copyright Acts’ were maintained between 1863 and 1965 (Library Records b.200-209). This article relies heavily on the efforts of others who have provided digests of the surviving records for the Library’s history, notably William D. Macray, *Annals of the Bodleian Library*, Oxford, 2nd ed. (Oxford: Clarendon Press, 1890), Edmund Craster, *History of the Bodleian Library, 1845-1945* (Oxford: Clarendon Press, 1952), and Mary Clapinson, *A brief history of the Bodleian Library* (Oxford: Bodleian Library, 2015).

² The University Library was at first located in a room on the north side of the University Church of St Mary the Virgin, a project initiated by Bishop Cobham around 1320 although work did not begin until 1367. Following the large gift to the University of books from the library of Humfrey, Duke of Gloucester, between 1439 and 1446, a room was built to house the expanded library above the newly-constructed Divinity School. The room, now known as Duke Humfrey’s Library, was opened in 1488.

the reign of Edward VI. Although libraries existed in the colleges, for the next half-century, the University itself did not have a library of its own and it was left to the foresight and generosity of Sir Thomas Bodley (1545-1613), a scholar and diplomat at the court of Queen Elizabeth, to use his connections and considerable fortune (mostly acquired through his marriage to a rich widow)³ to restore, re-fit and re-stock Duke Humfrey's Library. The re-founded library opened in 1602 and Bodley took a close interest in its operation, doing all he could to expand it and acquire more books and manuscripts for its collections, right up to his death in 1613.⁴

It could be argued that the whole concept of legal deposit in Great Britain⁵ has its origins in the agreement reached in 1610 between Sir Thomas Bodley and the Stationers' Company whereby it would send to the Library, free-of-charge, a copy of every book entered in its Register by its members. The suggestion to approach the Stationers' Company came from Bodley's first Librarian, Thomas James, but for Bodley to obtain the agreement was no easy matter and subject to 'many rubbes & delaies'.⁶ Despite his strict intention that the library should be for reference only,⁷ Bodley agreed to the Company's stipulation that the deposited books could be borrowed back by their publishers if necessary, for the purpose of reprinting, and that Company members should be allowed to consult other books in the library's collections for their commercial purposes. Legend has it that Bodley gave £50 worth of plate to the Company, perhaps as a 'sweetener' to help clinch the deal, but this cannot be corroborated.⁸

The first book to be sent from Stationers' Hall was Thomas Cartwright's *Christian religion substantially, methodicallie, plainlie, and profitablie treated*, published anonymously and printed for Thomas Man by Felix Kingston in 1610.⁹ However, some publishers dragged their feet, causing Bodley to complain of delays for which the Company itself attempted to impose punitive fines.¹⁰ It is also clear that Bodley was not particularly pleased with the

³ Bodley married Ann Ball in 1586. Her previous husband had been a wealthy merchant in Totnes, Devon.

⁴ Thomas Bodley, *The life of Sr Thomas Bodley, the honourable founder of the publique library in the University of Oxford. Written by himself* (Oxford: Printed by Henry Hall, 1647).

⁵ A full account can be found in: Robert C. Barrington Partridge, *The history of the legal deposit of books throughout the British Empire* (London: The Library Association, 1938).

⁶ Thomas Bodley, *Letters of Sir Thomas Bodley to Thomas James*, ed. G.W. Wheeler (Oxford: Clarendon Press, 1926), p. 206.

⁷ According to Bishop Barlow, even King Charles I was refused a request to borrow a book from the Library in 1645, as was Oliver Cromwell in 1654 (Macray, *Annals*, p. 99).

⁸ Macray, *Annals*, p. 41. Nevertheless, there is a reference in the Company's records for 1629 to some items of plate against Sir Thomas Bodley's name (William A. Jackson, ed., *Records of the Court of the Stationer's Company, 1602-1640* (London: Bibliographical Society, 1957), p. 391).

⁹ ESTC S118584, imprint date 1611. Current shelfmark: 4° R 34 Th.

¹⁰ Ian G. Philip, *The Bodleian Library in the seventeenth and eighteenth centuries* (Oxford: Clarendon Press, 1983), p. 27.

quality of the deposited works – too many ‘idle books, & riffe raffes’!¹¹ It is not surprising that there was some resentment of the requirements amongst publishers and disputes with defaulting London booksellers seem to have been frequent throughout the seventeenth century. Judging from the surviving lists of receipts in these early years, the numbers of books sent represented only a small percentage of the books registered with the Company and therefore an even smaller fraction of the total range of material being published. By the early 1630s, the Librarian, Thomas Rous, was again complaining about the Company’s negligence in sending books and urged the Chancellor of the University, Archbishop Laud, to use his influence to improve the situation.¹²

Deposits lapsed completely during the Inter-regnum and, despite efforts by the University to revive the arrangement after the Civil War, the response was half-hearted at best. Things picked up a little in the 1650s but it was not until 1662 that the principle of Bodley’s initiative became enshrined in law by Act of Parliament, which also extended the Stationers’ obligation to Cambridge and the Royal Library.¹³ This, the first Licensing of the Press Act, required all printing presses to be licensed and all publications to be registered with the Stationers’ Company. Originally valid for two years, the Act was renewed several times up to 1679, and again from 1685 to 1695, but it was still difficult to enforce and books merely trickled into the three libraries. In 1674, Cambridge threatened legal action against defaulting Stationers¹⁴ and this move seems to have had some effect, leading to the deposit of a backlog of several hundred claimed titles. Nevertheless, with the expiry of the Licensing Act in 1679, the supply dried up once again until a new Act came into force in 1685. In 1688, Bodley’s Librarian, Thomas Hyde, went to Stationers’ Hall in person to demand the books due to the Library which they had failed to send.¹⁵ The provisions of the latest Act having expired in 1695, a last-ditch attempt was made to persuade the Stationers to revive their original agreement with Bodley by requesting the Master to read it out publicly to remind members of their obligations¹⁶ but it was clear that, to all intents and purposes, the arrangement was dead.

While printed music was not explicitly excluded from Bodley’s original agreement or the subsequent early legislation, very little appears to have reached the Library via this route and it was not until the last decades of the eighteenth century that music began to flow into any of the legal deposit

¹¹ Bodley, *Letters*, p. 219.

¹² Macray, *Annals*, p. 40. This resulted in a Star Chamber decree of 11 July 1637 (see Partridge, *op. cit.*, p. 22).

¹³ Act 13 & 14 Car. II. c.33 (see Partridge, *op. cit.*, p. 23ff.).

¹⁴ Philip, *op. cit.*, p. 53.

¹⁵ Macray records that Hyde ran up expenses of £6 5s on this trip (Macray, *Annals*, p. 157).

¹⁶ Recorded in a memorandum from the Librarian Thomas Hyde in the Visitation Order Book for 1695 (Macray, *Annals*, p. 41).

libraries in any quantity. The Library's copy of *Parthenia* (1613)¹⁷ is sometimes cited as an exception¹⁸ but the evidence for that supposition is unclear. A small number of music editions are represented in the Library's printed catalogue of 1620, including *Parthenia*, but only Ravenscroft's *Melismata* (1611) can also be found in the Stationers' Register and is therefore likely to be a deposited copy.¹⁹ The other potential candidates²⁰ do not seem to appear in the Register, thus making it doubtful that they would have come from Stationers' Hall unless they somehow missed registration. The few music editions which do appear in the Register in these early years²¹ seem to have slipped through the net so, despite Bodley's agreement with the Stationers' Company, with the possible exception noted above, it can be assumed that virtually no printed music was received (or kept) by the Library during the seventeenth century.

With the Statute of Anne (4 April 1710) the deposit privilege was extended to nine libraries in England & Scotland. This, of course, placed an even greater burden on recalcitrant publishers who did everything they could to evade compliance. Fortunately for them, the wording of the Act was ambiguous, suggesting that publishers need register books only if they wanted to secure copyright in law. Therefore, publishers would weigh up the costs against the benefits and if seeking copyright protection for a particular work was deemed not essential, they saw no legal obligation to deposit the nine copies in the copyright libraries.²² The result was the registration and deposit of a steady stream of cheap, popular pamphlets which were most likely to be pirated, but a marked absence of more substantial academic books for which piracy would have been not worth the effort. Publishers would have been prepared to take the risk rather than give up nine copies of an expensive publication. Unfortunately, it was precisely these books which would have been welcomed by the libraries.

If the Statute was ineffective for books, its status regarding music was

¹⁷ Current shelfmark: Arch. A c.11.

¹⁸ Gregory Walker, Mary Clapinson and Lesley Forbes, eds., *The Bodleian Library: a subject guide to the collections* (Oxford: Bodleian Library, 2004), p. 80. It now seems more likely that this was an early donation or anomalous purchase of a 'novelty' item, soon after its publication.

¹⁹ Current shelfmark: 4^o M 33 Art. (8). Probably the item registered as *The first parte of Musically crochettes, or Courte, Citty, and Country varietyes, conceites and pastimes, to 3, 4, and 5 voyces* on 19 March 1611 (see Helen Wilcox, *1611: Authority, gender and the word in Early Modern England* (Chichester: Wiley, 2014), p. 39).

²⁰ Maynard's *XII wonders of the world* (1611), Robert Dowland's *Musically banquet* and *Variete of lute-lessons* (both 1610) and Coperario's *Songs of mourning* (1613), all bound together as Arch. A c.14. Of these, only the Maynard and Coperario can be found in the 1620 Catalogue.

²¹ E.g. Byrd's *Psalmes, songs, and sonnets* (entered on 22 April 1611) and Dowland's *Booke of ayres* (28 October 1611).

²² Simon Eliot, "'Mr Greenhill, who you cannot get rid of": copyright, legal deposit and the Stationers' Company in the nineteenth century', *Libraries and the book trade: the formation of collections from the sixteenth to the twentieth century*, edited by Robin Myers, Michael Harris and Giles Mandelbrote (New Castle, DE: Oak Knoll Press, 2000), pp. 51-84.

even less clear. Hunter states that ‘Music publications by 1700 had become a distinct speciality, largely outside the purview of the Stationers’ Company’²³ the 1710 Statute did little to bring them back into the fold, since it appeared to provide no protection for engraved publications. Piracy of music was rife with publishers such as John Walsh producing unauthorised editions with impunity. Most music publishers seemed to think (or chose to take the view) that the Act did not apply to them and very little music was registered between 1710 and 1780, with the possible exception of the small quantity of letterpress and self-published engraved music.²⁴ It was not until 1777 that a famous court case instigated by J.C. Bach against Longman & Lukey ruled that the 1710 Statute could be applied to music. The failure of music publishers to take note of the Act had been effectively denying composers their copyright unless they were well-enough connected to obtain protection elsewhere, such as by seeking royal privileges.

Macray states that it was not until 1759 that the Bodleian began to receive printed music from Stationers’ Hall,²⁵ although isolated specimens can be found from earlier in the century. For example, the extant list of books received in 1756 includes Alessandro Scarlatti’s *Thirty six arietta’s for a single voice with a thorough bass for the harpsicord*;²⁶ the stamp on the copy held by the library²⁷ bears the date ‘12.2.1893’ but, since it was not uncommon for items to be stamped well after their acquisition date (often at the time of binding, it appears), this does not necessarily prove that it was purchased in the 1890s; in the absence of any other evidence, it is just possible therefore (though perhaps unlikely) that this is a copy received from Stationers’ Hall in 1756. The list for 1757 records the arrival of the second book of George Berg’s *Collection of English songs sung by Mr. Beard & Miss Formentell at Ranelagh* and, in this case, the copy in the Library is almost certainly the legal deposit copy.²⁸ The smattering of music editions cited in the Register from the early decades of the century appear either not to have been deposited or not retained, with the exception of Henry Carey’s *Cantatas for a voice with accompaniment* of 1724.²⁹ Works by Galliard (1711, 1712), Leveridge (1711), Mattheson (1714), Reading (1710), Weldon (1716) and the various books of country dances published by Walsh and Pearson between 1711 and 1714

²³ David Hunter, ‘Music copyright in Britain to 1800’, *Music & Letters* 67, no. 3 (July 1986): p. 271, <https://doi.org/10.1093/ml/67.3.269>.

²⁴ *Ibid.*, p. 274.

²⁵ Macray, *Annals*, p. 257.

²⁶ ‘Printed for Thos. Vandeman and sold by Jn. Cox, at Simpson’s Music Shop’. This is the earliest identifiable music score to appear in the Bodleian’s surviving lists of receipts from Stationers’ Hall (Library Records c.857) although the number of lists which do survive is quite small.

²⁷ Current shelfmark: Mus. 118 c.S.41.

²⁸ ‘Printed for the author and sold by John Johnson’. Current shelfmark: Mus. Voc. I, 7 (39). Curiously, Berg’s publication does not appear to be listed in the Register.

²⁹ Current shelfmark: L 1.18 Jur. (5), bound in a volume of other legal deposit accessions from around that time.

which appear in the Register seem not to have found a home in the Bodleian.³⁰ Where the Library now has copies of these editions, they were all acquired much later, by gift or purchase. Although Walsh was probably the most prolific and important music publisher of his day, the Bodleian received none of his editions at the time of publication.

Following the ruling of 1777, there was a dramatic increase in music registrations with a concomitant rise in deposits. Nancy Mace surmises: 'The rise in entries suggests that, by the late eighteenth century, music was no longer considered ephemeral; music sellers and composers obviously thought the expense of registration was worthwhile, since they expected that musical compositions they registered would continue to be commercially viable for some time'.³¹ However, even after the deposit of music had taken off in the 1780s, the Library can have had no real use for it and the regular arrival from London of large shipments of sheet music was probably not particularly welcome. The Library had no reason to purchase music so there would have been hardly any in the library except for the odd donation and that received under legal deposit.

Music was not taught as an academic subject at Oxford until well into the twentieth century. There had been a Professor of Music since William Heather (c.1563-1627) endowed the chair in 1627 but the professor's primary function was to hold a weekly music meeting in the *Schola Musicae* and provide music for University ceremonies.³² Most importantly for us, he was also custodian of a large collection of music scores and parts, manuscript and printed, which were used for the Heather Professor's musical activities. The core of that collection was bequeathed to the University by Heather himself but successive professors continued to accumulate more throughout the seventeenth and eighteenth centuries. Therefore, it was the Professor rather than the Library which maintained the University's primary collection of notated music until it was eventually handed over to the Bodleian in 1885.³³ The Library itself was not actively buying music until around 1870 and even then, purchases

³⁰ For a thorough investigation of deposits during this period, see John P. Chalmers, 'Bodleian copyright deposit survivors of the first sixteen year of the Copyright Act of Queen Anne, 10 April 1710 to 25 March 1726' (DPhil thesis, University of Oxford, 1974).

³¹ Nancy A. Mace, 'The market for music in the late eighteenth century and the entry books of the Stationers' Company', *The Library*, 7th ser., 10 no.2 (June 2009): pp. 157-187, <https://doi.org/10.1093/library/10.2.157>. See also: Nancy A. Mace, 'Music copyright in late eighteenth and early nineteenth century Britain', in *Research handbook on the history of copyright law*, edited by Isabella Alexander, H. Tomás Gómez-Arostegui (Cheltenham: Edward Elgar Publishing, [2016]), pp. 139-157.

³² For an account of the Oxford professorship, see: H. Watkins Shaw, 'The Oxford University Chair of Music, 1627-1947, with some account of Oxford degrees in music from 1856', in *Bodleian Library Record* 16 no.3 (1998), pp. 233-270.

³³ Now known as the Oxford Music School collection. Additionally, the Library did receive a large bequest of music from Osborne Wight in 1800 and, as academic interest in music increased with professors such as F.A.G. Ouseley and John Stainer, occasional musical purchases began to be made as the century drew to a close.

seem to have been occasional and opportunistic. Serious attempts to build a proper music collection and fill the gaps retrospectively did not begin until much later.

Music is recorded haphazardly in the Library's accession registers; in 1786, most scores seem to be recorded individually, if in very little detail, but by 1811, it had been reduced to no more than 'A Bundle of Music' appended to the list of books received.³⁴ The sudden increase in deposits, perhaps triggered by all the additional music, seems to have caused some alarm and, in 1790, the Library's governing body ordered two Curators to look over the books received from Stationers' Hall 'for the purpose of separating such as are useless'.³⁵ This implies that, even at this date, not all books received were necessarily kept but the fate of the 'useless' books is not recorded. However, the survival of a good deal of music from the 1780s and 1790s suggests that much, if not most, was retained. Perhaps it was considered to be more trouble to make a selection than to keep the lot.

There was a further revision of the legislation in 1814³⁶ which tried to close some of the loopholes of the 1710 Act although it still failed to resolve many of the intractable problems inherent in the whole business. The Act stipulated that the Company's Warehouse Keeper should circulate lists of titles to the libraries from which selections could be made.³⁷ 'Mr Greenhill's lists' from 1814 onwards are still extant in the Library but there appears to be no obvious correlation between the annotations in the margins and books in the Bodleian's current catalogue. As part of a Parliamentary review of the Act's provisions, a list of books received under the Copyright Act between 1814 and 1818 but deemed not 'necessary to place in the Library' was sent to the House of Commons.³⁸ Macray states that 'the list is but a trifling one, consisting chiefly of school-books and anonymous novels, *with music*'.³⁹ It is not clear what was done with these 'unnecessary' books and scores or what categories of music might have been rejected.

However, giving evidence to the Select Committee on the Copyright Acts (1818), Joseph Phillimore, Regius Professor of Civil Law and one of the Curators of the Library,⁴⁰ answered 'yes' to the question: 'You state, that you think it very desirable that every work should be deposited in the library?' There followed the far-sighted enquiry: 'Is that on the idea that works, which appear at the present time very trifling, may become to a future historian very important, as illustrating the manners of this day?'; his answer was 'Yes,

³⁴ Library Records c.855.

³⁵ Macray, *Annals*, p. 274.

³⁶ 54 Geo. III c. 156.

³⁷ Eliot, *op. cit.*, p. 53.

³⁸ Macray, *Annals*, p. 302.

³⁹ *Ibid.* A similar, more detailed, list was sent from Cambridge.

⁴⁰ The Bodleian's governing body is known as 'The Curators'.

certainly'. The question of music was specifically addressed: 'All the music received by the University is preserved?' – 'Yes, we have a large collection of music, and it is important to continue it'.⁴¹ This would suggest that music was, by and large, accepted but, whether or not the Library agreed to take all the music it was offered, the quantity received from the latter years of the eighteenth century onwards was considerable, if still representing only a fraction of the total published. As the nineteenth century progressed, many publishers frequently failed to deposit, including Novello, and as that century gave way to the twentieth, major publishers such as Boosey, Schott and Elkin were also poor depositors. Even with the best of intentions, it often took little more than a change of staff or ownership of a firm for deposit mechanisms to fall apart. Such arrangements remain fragile to this day.⁴²

According to Macray, any music which did reach the Library was simply piled up in cupboards in the *Schola Logicae* and left well alone.⁴³ In the words of Sir Edmund Craster, 'though considerable in bulk, it lacked the merit of being either exhaustive or selective'.⁴⁴ It was not until around 1845 that there was any attempt to sort and arrange it, a task undertaken by a recently-graduated, musical young clergyman, Henry Havergal.⁴⁵ By that time, some of the music would have been languishing in cupboards for eighty years or more. Havergal divided most of the folio-sized sheet music into instrumental and vocal sequences, arranged alphabetically by composer, and gathered it into hundreds of uniformly-bound volumes. The first sequence ran to 240 instrumental volumes and 106 volumes of vocal music but there was no attempt to retain any kind of chronological arrangement and pieces from the 1780s can be found rubbing shoulders with those from the 1840s. A second sequence of vocal music followed, again including scores going back to the 1780s, but copyright music continued to pile up, with the annual intake in 1879 estimated to be in excess of 2,500 items.⁴⁶ Further sequences were bound during the 1880s and the volumes of legal deposit music sent to join the Music School Collection in the *Schola Musicae*.

No attempt was made to catalogue any of the music until the arrival of E.W.B. Nicholson as Bodley's Librarian in 1882 when hand-written slips began to be created by W.R. Sims with a view to subsequent transfer to cards or even publication. However, detail was minimal and it seems that many

⁴¹ Select Committee on Acts respecting Copyright of Books: Minutes of evidence 1818, p. 106.

⁴² An important distinction in the legislation is that, whereas the British Library can claim an item from a publisher at any time, the other legal deposit libraries have to make a claim within twelve months of publication.

⁴³ Macray, *Annals*, p. 257.

⁴⁴ Craster, *op. cit.*, p. 78. Edmund Craster was Bodley's Librarian from 1931 to 1945.

⁴⁵ Revd Henry East Havergal (1820-1875), chaplain of New College and Christ Church and an assistant in the Library; Vicar of Cople in Bedfordshire from 1847. An organist and singer, he was son of W.H. Havergal and sister of the poet Frances Ridley Havergal.

⁴⁶ Craster, *op. cit.*, p. 79.

short cuts were taken, with some composers' works represented by 'blanket entries' or passed over altogether.⁴⁷ A 'rump' of mid- to late-nineteenth-century legal deposit music was left unbound (and remains) uncatalogued. A particular problem is that the bound volumes contain both catalogued and uncatalogued items with no indication of which are which. Fortunately, the fact that the sequences are largely alphabetical helps with the speculative searching for specific items which do not appear in the catalogue.⁴⁸

Nicholson also introduced a classification scheme to the Library and a system was devised for music, based on genre or scoring. New acquisitions were thus classified and some earlier music reclassified into this sequence; no attempt was made to keep legal deposit separate from purchased or donated music although a discrete sequence for popular music was introduced at a later stage.

The card catalogue was not begun until 1926, at which point older music considered to be of more significance was re-catalogued, although some 50,000 old slips remained for some less important legal deposit material. It was these cards and slips which were scanned as part of a retroconversion project between 2011 and 2014⁴⁹ and the scans converted into basic MARC records for the Library's online catalogue, pending eventual upgrading. It was during this process and a previous pilot project that there was a gradual realisation that, during the efforts of the late nineteenth century, far more legal deposit music had missed out on cataloguing than had previously been thought; while all the scores which appeared in the old card and slip catalogues should now be represented in the online catalogue (if with rather basic records in some cases), there are still items on the shelves which have no catalogue record at all. Efforts are being made to address the problem but a complete inventory of all the Bodleian's holdings of music acquired under legal deposit remains somewhat elusive.

The development of music publishing and legal deposit in the twentieth century and beyond is another story but music deposits have continued to flow into the Library in fluctuating quantities. Staff were employed to keep up to date with cataloguing the majority of the current intake (popular music excepted)⁵⁰ but there was no dedicated music librarian with responsibility for developing the printed music collections until Meredith Moon was appointed in 1959. Since then, the Bodleian's music collection has grown to be one of the largest and most important in the country, of which the music received

⁴⁷ A recent project to scan and convert the old records has shown that this problem is worse than previously thought although steps are gradually being taken to address it. Female composers, perhaps not surprisingly, suffered particularly badly in this respect.

⁴⁸ A similar situation is described in: Christopher Scobie, 'Ephemeral music? : The secondary music collection at the British Library', *Fontes artis musicae* 63 no. 1 (Jan.-Mar. 2016), pp. 21-32.

⁴⁹ Described in IAML (UK & Irl) *Newsletter* 66 (Oct. 2013), pp. 14-15.

⁵⁰ Much of the popular music acquired between the 1890s and 1952 is boxed by year but remains uncatalogued.

under legal deposit, while far from comprehensive, is an important component.

Abstract

Legal deposit in the UK can trace its origins back to the agreement made between Sir Thomas Bodley and the Stationers' Company in 1610 whereby its members would deposit copies of their publications in the Bodleian Library. This article describes the difficulties of enforcing that agreement and the subsequent legislation. Music did not begin to flow into the library in any quantity until the 1780s but was largely ignored until the middle of the nineteenth century. Nevertheless, it forms an important part of the Library's extensive music collections.

Martin Holmes is the Alfred Brendel Curator of Music at the Bodleian Libraries.

**EARLY MUSIC LEGAL DEPOSIT (1710-1836)
IN THE NATIONAL LIBRARY OF SCOTLAND AND
ITS PREDECESSOR LIBRARY, THE LIBRARY OF
THE FACULTY OF ADVOCATES**

Almut Boehme

The National Library of Scotland, founded in 1925, is one of the earliest and largest legal deposit libraries in the UK and Ireland, and the largest research library in Scotland. While founded only about a century ago as a national library its history goes back to the beginnings of the Library of the Faculty of Advocates in Edinburgh in 1689. The Library of the Faculty of Advocates still exists today and holds the nation's legal publications, whereas the main collection became part of the National Library of Scotland. It is in an unusual position as a national library of a devolved 'nation' within a larger country, the United Kingdom of Great Britain and Northern Ireland. Historically, Scotland has been an independent country with very different legal and education systems and a distinctive culture. With the union of the crowns in 1603, James VI of Scotland became James I of England, the two countries sharing one king over the following century. Through the Act of Union in 1707 they became one country, though Scotland held onto its separate structures, especially in the legal and education systems. The Statute of Anne¹ of 1710 gave nine libraries the right to acquire a free copy of all print publications. Five of the nine were Scottish: the Library of the Faculty of Advocates (now National Library of Scotland) and the four universities in Scotland (St Andrews, Aberdeen, Glasgow and Edinburgh). Most universities gave up their legal privilege in the nineteenth century for the opportunity to receive purchase grants. The collecting and use of the early legal deposit collection in one of the universities, St Andrews, has been well documented through the research by Karen McAulay from the *Claimed from Stationers' Hall* networking project at the Royal Conservatoire of Scotland. However, the situation is very different at the National Library of Scotland. Hardly any documentation has survived in terms of early music collecting let alone legal deposit music collecting. One should consider that, at the time of the Library of the Faculty

¹ *An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, during the Times therein mentioned.* London: Printed by the Assigns of Thomas Newcomb, and Henry Hills, 1710.

of Advocates, music was not considered an important area of collection development.

The history of music collecting and processing at the National Library of Scotland and its predecessor library, the Library of the Faculty of Advocates, is summarised in the tercentenary publication *For the encouragement of learning*:

‘The processing of music had long been recognised as a problem. Historically, a committee of the Faculty of Advocates had undertaken its arrangement and cataloguing. For a period after the transfer to the nation, music accessions lay in unopened parcels, until the Library was able to draw on the services of a group of volunteers. In the 1950s, it became possible to assign permanent curatorial staff to the task, and after the Map Room moved . . . in 1974, the old Map Room was re-designed for use as a music reading room. . . .’²

It has long been known that the Faculty of Advocates did not collect music comprehensively and it was after the foundation of the National Library of Scotland that comprehensive music collections were donated to the Library to fill the enormous gap in music publications of the previous centuries. Hence the majority of early British publications that should have been received in the Faculty of Advocates are actually donated or purchased copies, as the National Library of Scotland is still purchasing and receiving antiquarian music to fill the old gaps.

Methodology

Given the limited information that has been published, how can one go about uncovering more information about early music collecting at the National Library of Scotland? In the absence of full historic acquisition records, one needs to research other means to discover the acquisition history of collection items:

- Shelfmarking, library stamps and inscriptions
- Searching for scores in other collection areas
- Early catalogues of the Library of the Faculty of Advocates
- Any early organisational records relating to music in the Library of the Faculty of Advocates.

Shelfmarking, library stamps and inscriptions³

Most large libraries that do not offer public access to their collections but store them in stacks do not shelve them in classified order using schemes

² Patrick Cadell and Ann Matheson (eds). *For the encouragement of learning*. Edinburgh: HSMO, 1989, p. 284-285.

³ For online information on shelfmarks, library stamps and inscriptions of the Library of the Faculty of Advocates, see <https://www.nls.uk/collections/rare-books/collections/advocates> [accessed 28 Oct 2019]

like Dewey or Library of Congress. They use other shelfmark systems, often incorporating size elements in their shelfmarks and numbering items in running order as material arrives in the library. This is an efficient and space saving method of shelfmarking employed in most large libraries. One can therefore consider the different shelfmarks and then the first number for each shelfmark to trace the acquisition of the item. In many cases this may not be legal deposit material but one knows at least that the lower numbers in the running order usually mean an earlier acquisition than the higher numbers in the same shelfmark sequence.

We should here consider first of all the history of shelfmarks used by the Faculty of Advocates, those that continued after the foundation of the National Library of Scotland as well as new shelfmarks used by the National Library of Scotland after its foundation in 1925. Shelfmarks are sometimes changed but previous shelfmarks are never deleted from the physical item so it is still possible to trace the shelving history of library items over the centuries.

Library stamps can be another indicator of when and how an item was acquired. In the twentieth century the National Library of Scotland began to use date stamps with letters for the method of acquisition, e.g. B for purchases, D for donations, LDD for direct legal deposit and LDA for legal deposit agency acquisitions. If we consider material acquired prior to this system, we can look at what form of inscription or stamp was used by the Library of the Faculty of Advocates, but they only provide some indication as to the period of acquisition and not what type. One may assume that copies without other provenance markings might have been legal deposit copies, if not purchases to fill gaps.

Non-library provenance markings would suggest that items were purchased or donated. There is also a stamp widely used for purchases made via the Lauriston Castle fund so library items with a Lauriston Castle stamp would not be legal deposit acquisitions but would be either part of the Lauriston Castle collection or purchased through the purchase fund.

Faculty of Advocates shelfmarks

The first shelfmarks used by the Advocates Library began with letters running from 'a' to 'x' followed by the shelf number and then the number of the book on each shelf. Several of the following shelfmarking conventions from the early eighteenth century onwards have been found on music items:

- Astronomical symbols, signs of the zodiac, and letters from the Greek alphabet
- Double lower case letters
- Enclosing the initial letters in a box
- Use of the names of seven early Scottish kings
- Use of names of Roman emperors.

Music shelfmarks

The earliest music shelfmark appears to be the 'Mus.Pr.' shelfmark and it is at this shelfmark that some definite legal deposit copies can be found. However, this part of the collection does not include scores but mainly books on music and treatises, some of which contain printed music, though largely as illustrations. Interestingly, many of the items in this sequence have been put together later as they show previous shelfmarks which are in fact Faculty of Advocates shelfmarks.

Examples from this part of the collection include the following:

Example 1

Alexander Malcolm. *A treatise of musick*. Edinburgh: Printed for the Author, 1721.

NLS shelfmark: Mus.Pr.7/1

Ex Libris / Bibliothecae Facultatis / Juridicae Edinburgi. There is no date in the Ex Libris inscription. In the top right-hand corner of the endpaper there is an inscription with the previous Advocates shelfmark: Am.5.45. The Am part of the shelfmark is not in square brackets but enclosed in a square.

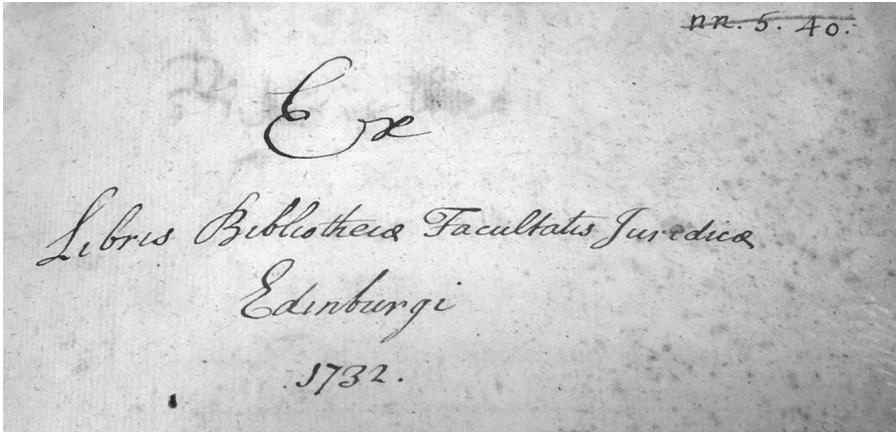
Example 2

James Hamilton. *A short treatise on harmony*. London: Printed by J. Watts, 1730. NLS shelfmark: Mus.Pr.4/2

This item contains the Ex Libris inscription: Ex / Libris Bibliothecae Facultatis Juridicae / Edinburgi / 1732. In the top right-hand corner of the endpaper there is an inscription with the previous Advocates shelfmark: nn.5.40. There is also a bleed-through trace of some other Ex libris inscription visible when holding the endpaper against light, although this does not seem to imply a different provenance. (Ex. 2)

It is therefore possible that this is an early legal deposit item. The book is listed in Kassler⁴ with an 'Entered at Stationers' Hall' date of 12/03/1729-1730. Whilst the Advocates accession date is 1732, two or three years after the publication date, the item could have been claimed within the twelve-month claim period but not processed until 1732.

⁴ Michael Kassler. *Music entries at Stationers' Hall 1710-1818*. Aldershot: Ashgate, 2004, p. 13.

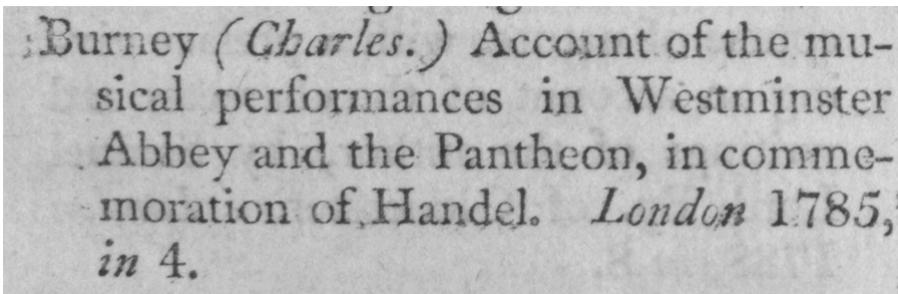


Example 3

Charles Burney. *An account of the musical performances in Westminster-Abbey and the Pantheon*. London: Printed for the Benefit of the Musical Fund; and Sold by T. Payne and Son . . . and G. Robinson, 1785.

NLS shelfmark: Mus.Pr.4/1

Ex Libris / Bibliothecae Facultatis / Juridicae Edinburgi / 1791. In the top right-hand corner of the endpaper there is an inscription with the previous Advocates shelfmark: Dav.1.7.31. Given the difference in dates this may not be a legal deposit copy unless it had waited six years for processing. This book does appear in the 1807 printed catalogue of the Library of the Faculty of Advocates. (Ex. 3)



Example 4

Edward Jones. *Musical and poetical relicks of the Welsh bards*. London: Printed for the Author, 1794.

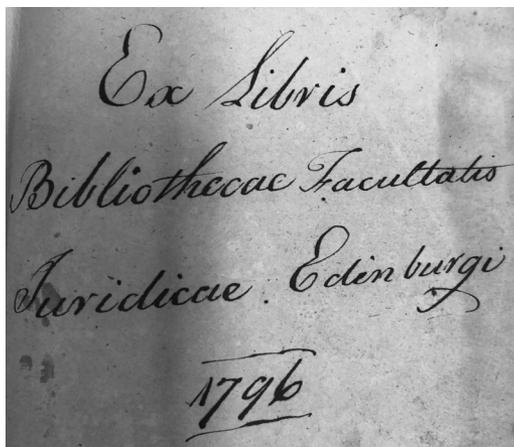
NLS shelfmark: Mus.Pr.1/1

Ex Libris / Bibliothecae Facultatis / Juridicae Edinburgi / 1794. In the top right-hand corner of the endpaper there is an inscription with the previous Advocates shelfmark: Dav.1.3.14. There is another inscription, Q. H or h [crossed out].

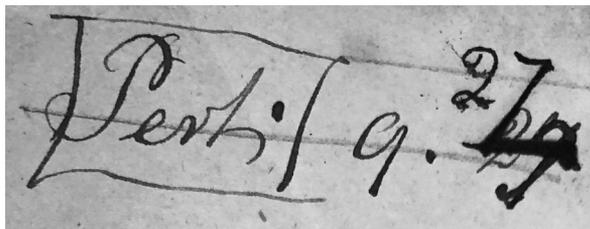
Example 5

Scottish songs in two volumes. London: Printed J. Johnson, 1794.

Ex Libris / Bibliothecae Facultatis / Juridicae Edinburgi / 1796. (Ex. 5a)



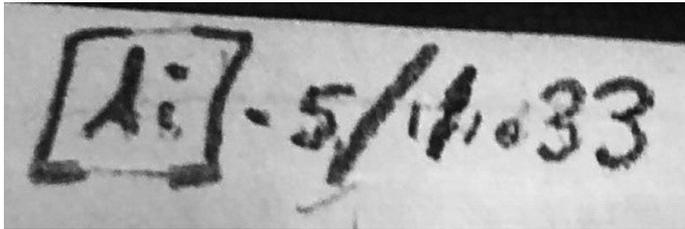
Above the Ex libris inscription there is a previous shelfmark of Perth[?]q.~~29~~ corrected to 27 [?]. (Ex. 5b)



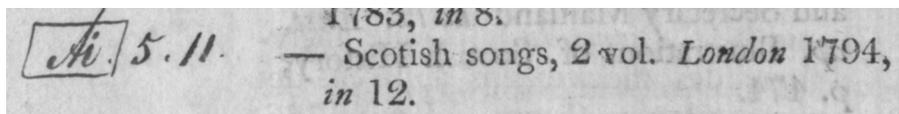
There is some confusion as to the current NLS shelfmark. It is still held at a Faculty of Advocates book shelfmark instead of being transferred earlier into Mus.Pr. or another, more modern music shelfmark. At the top of the title-page the one from which the item was retrieved is crossed out: Ai.5/1.11-12. (Ex. 5c)



The shelfmark inside the front board [Ai].5/1.33 is not crossed out and one would assume that this is the current shelfmark. (Ex. 5d)



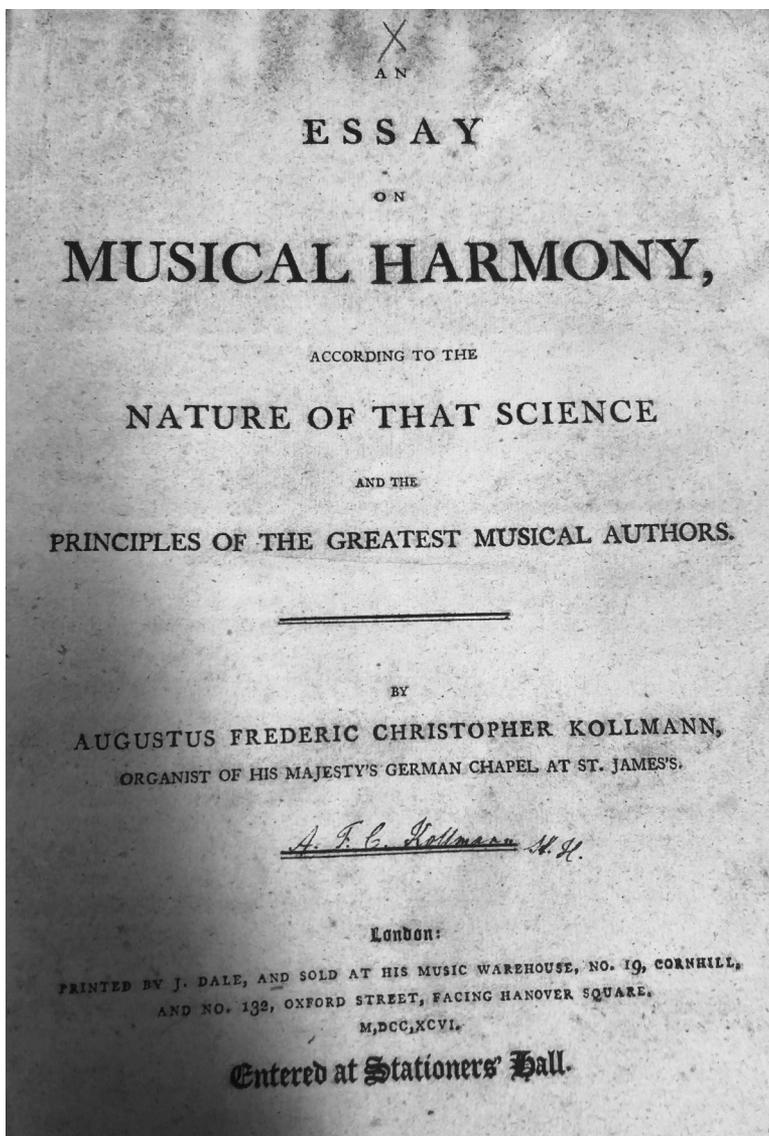
In the printed catalogue of the Library of the Faculty of Advocates the Ai.5.11 shelfmark appears. (Ex. 5e)



This is the earliest confirmed legal deposit score found within the limited time available for the research into this topic to date.

Example 6

Augustus Frederic Christopher Kollmann. *An essay on musical harmony*.
London: Printed by J. Dale, 1796. (Ex. 6a)

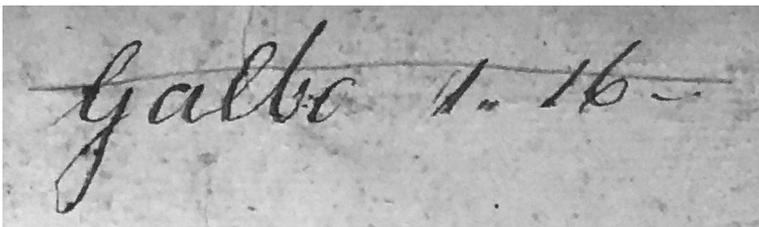


NLS shelfmark: Mus.Pr.1/1

This item is listed in Kassler⁵ with an Entered date of 18/01/1796. The Ex libris inscription is also dated 1796: Ex Libris / Bibliothecae Facultatis / Juridicae Edinburgi / 1796. (Ex. 6b)



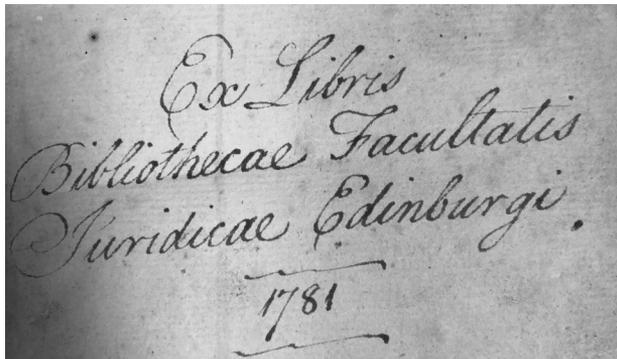
In the top right-hand corner of the endpaper there is an inscription with the previous Advocates shelfmark: Galba.1.16. (Ex. 6c)



⁵ Michael Kassler. *Music entries at Stationers' Hall 1710-1818*. Aldershot: Ashgate, 2004, p. 286..

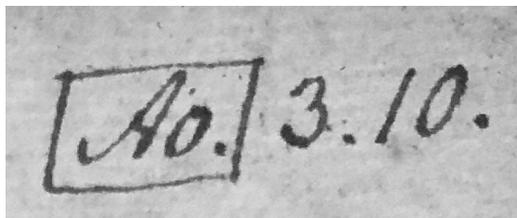
Example 7

John Maxwell. *An essay on tune*. Edinburgh: Printed for C. Elliot . . . , 1781.
 Ex Libris / Bibliothecae Facultatis / Juridicae Edinburgi / 1781 (Ex. 7a)

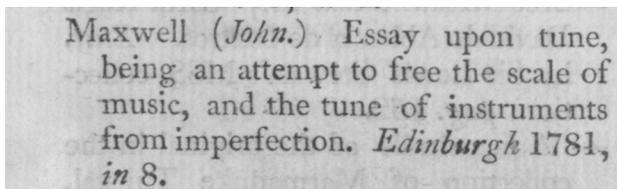


NLS shelfmark: Mus.Pr.7/1 [Mus.Press.7/1 inside front board]

Above the Ex libris there is the old/previous/original shelfmark of Ao.3.10 with the 'Ao' in a square. (Ex. 7b)



This book is found in the 1807 printed catalogue of the Library of the Faculty of Advocates. (Ex. 7c)

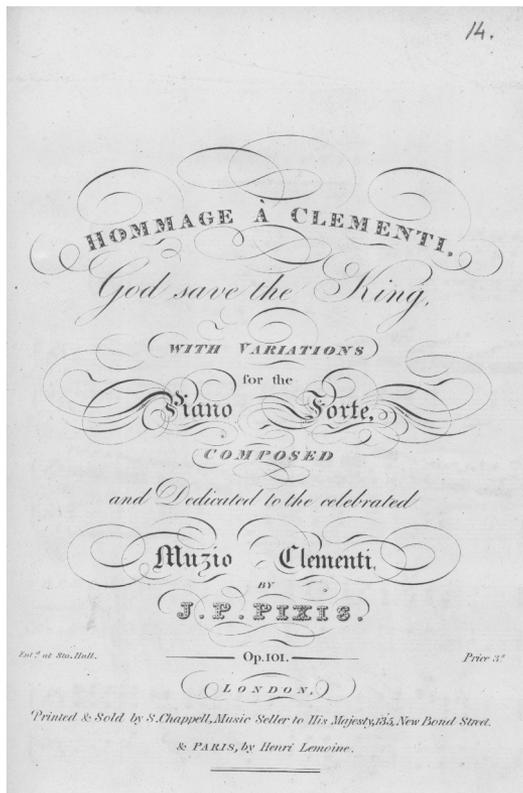


Later music shelfmarks

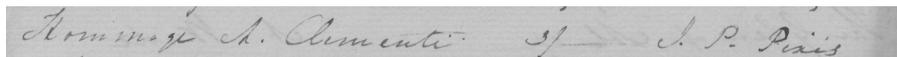
The 'Mus.Box' sequence began in the nineteenth century, as there are a few such items in the Victorian handwritten card catalogue, but the vast majority of items in the Victorian catalogue are in the part of the collection using the 'Mus.Vol' shelfmark. Incidentally, the catalogue itself does not show the 'Mus' prefix. This part of the collection, which largely contains nineteenth century sheet music publications, was collected and over time bound together in subject areas like pianoforte music, pianoforte duets, vocal music, topical and comical songs, Scottish songs etc. Here is an example from the 'Mus.Vol' shelfmark sequence that is also listed in a music list that has survived among Faculty of Advocates records dating from the 1830s:

Example 8

J.P. Pixis. *Hommage à Clementi*. London: Printed & Sold by S. Chappell, [between c. 1826 and 1830]. NLS shelfmark: Mus.Vol.11No.14 (Ex. 8a)



Entry in a music list from the Library of the Faculty of Advocates, dated 8 March 1830⁶: Hommage M. Clementi . . . 3/- . . . J.P. Pixis. (Ex. 8b)



The items in the ‘Mus.Vol.’ shelfmark sequence are virtually unused copies without provenance markings; they are mainly London and other UK/Irish imprints but the items do not carry date stamps. It is therefore not possible to gain certainty on their arrival into the library or their accession status, but it is believed that most will be legal deposit copies.

Of the modern shelfmark sequences, most were started in the early twentieth century and are out of scope for this investigation into early legal deposit at the National Library of Scotland. For example:

Mus.Box.q.1.1 = J.S. Bach, *Jesus sleeps*. London: Novello, 1903. This copy contains an Advocates Library round red stamp, and the shelfmark on the item, ‘Q.Box.1.1’, lacks the prefix ‘Mus.’. It is possible that this may actually be a later issue of the edition by the editor Ivor Atkins.

Mus.Box.s.1.1 = R. Vaughan Williams, *The lark ascending*. Oxford: OUP, 1925. This has a crown stamp but is a virgin copy so could be legal deposit, though a modern example. There is also an inscription showing the crossed-out previous shelfmarks: 6.151; Music 1925. The history of the shelfmarks suggests that the score was first shelved with the book collections, then identified as music and given a temporary shelfmark of Music with the publication year added before it received its final music shelfmark.

The prefix Mus followed by a capital letter, followed by a lower case letter — s, m, l, el for the size — followed by a running number, was an inhouse classified scheme for mainly hard-back acquisitions of legal deposit, purchases and donations in the twentieth and early twenty-first centuries and is therefore not relevant here.

⁶ Shelfmark: F.R.339e/51: Misc papers including music, 1830-33. Image (Ex. 8b) reproduced by kind permission of the Library of the Faculty of Advocates.

Searching for scores in other collection areas

Scores containing vocal music, in particular song collections, can be found in other collection areas. Given the amount of letterpress content in song collections, such publications were perceived as books and added to the book collections. A list of eighteenth- and early-nineteenth-century imprints with ‘mus’ or ‘music’ in the physical description field was compiled and possible legal items checked. Of the spot-checked items all appear to be purchases or donations rather than legal deposit.

Early catalogues of the Library of the Faculty of Advocates⁷

As the early catalogues of the Library of the Faculty of Advocates have been digitized and OCR applied, a keyword search for musical terms that may appear on title-pages was undertaken but did not yield any results. Keywords searched included ‘air’, ‘song’, ‘reel’, ‘Scottish/Scotish song/songs’ etc. However, the approach of researching shelfmarks did find the 1794 two-volume publication of Scottish songs in the 1807 catalogue.

Any early organisational records relating to music in the Library of the Faculty of Advocates

There are two surviving archival records mentioning music:

F.R.339e/51: Misc papers including music, 1830-33

These papers include several music lists containing title, price and composer. Several have been checked against the current music catalogues of the National Library of Scotland and mainly found in the ‘Supplementary Music Card Catalogue’, often referred to as the Victorian handwritten catalogue. What is not entirely clear is the acquisition status. Is the listing of prices a sign that these were lists of purchased music items not received through legal deposit for some reason? Or were prices included to have a record of their monetary value? In addition to the music lists there are also letters with some information on the use of the music collection by the members of the Faculty of Advocates as well as the regrettable state of the music collection.

F.R.131: Minute book of the Committee on Music, 1856

This minute book of December 1856 provides some insight into the Music Committee but the book was not continued. It begins with a report of the

⁷ *A Catalogue of the Library of the Faculty of Advocates, Edinburgh*. Edinburgh: T., W., and T. Ruddiman, 1742-1807. Part 1 compiled by Thomas Ruddiman and Walter Goodall; part 2 by Alexander Brown. Part 1 printed by Thomas, Walter, and Thomas Ruddiman, 1742; part 2, by Balfour and Smellie, 1776; part 3, by Alex. Smellie in 1807. Part 1. Additions to 1742. – part 2. Additions, 1742-1776. Appendix to the catalogue [additions, 1776-1787] – part 3. Additions, 1776-1807. NLS shelfmark: AB.10.207.11.

meeting of 3 December 1856. The committee members were: Professor Donaldson, Messrs Charles Robertson, Archibald Young, Burnett, Berry, Parker, John Lorimer. The main objective of establishing this meeting was to arrange and prepare a music catalogue and ensure that the Library received all publications to which it was entitled. There are minutes for further meetings on 17 December 1856 and 20 January 1857, the latter detailing the cataloguing rules received from the British Museum. These cataloguing rules, and a letter from George Wood to Prof. Donaldson mentioned in the first set of minutes, are inserted in the minute book. While these minutes provide some insight, they do not help to identify legal deposit items from the early period.

Sadly no other records are easily accessible although further research may uncover some mention of music among the general papers of the Faculty of Advocates.

To sum up, none of the methods employed to investigate the early acquisition of music through legal deposit in the National Library of Scotland yielded a good result. The research was hampered by not having all music listed in the online catalogue and the absence of historic acquisition records.

Abstract

The National Library of Scotland and its predecessor library, the Library of the Faculty of Advocates, received its legal deposit privilege in 1710 through the Statute of Anne. In the early days, the Library of the Faculty of Advocates did not collect much music and, since very few early acquisition archives have survived, it is difficult to reconstruct what the early uptake of legal deposit of music would have been. This article provides a brief historical overview and discusses the various strategies, such as shelfmarks and library stamps, used to identify early legal deposit music in the National Library of Scotland.

Almut Boehme is Music Curator at the National Library of Scotland

LEGAL DEPOSIT MUSIC AT UNIVERSITY OF GLASGOW LIBRARY, 1710–1836

Robert MacLean

A comprehensive history of the University of Glasgow Library's legal deposit privilege, 1710–1836, has yet to be written.¹ Andrew Hook has recently addressed the topic briefly but we are still reliant on William P. Dickson's nineteenth-century account of the Library's history for specific Glasgow details and R.C. Barrington Partridge for a more general picture of how legal deposit was negotiated by and affected Scottish universities.² That the University of Glasgow Library benefitted from its legal deposit privilege between 1710 and 1836, though, there can be little doubt. Library holdings increased significantly during the period: from around 4,000 volumes in 1698, to more than 30,000 volumes by 1826.³ The first printed catalogue of the University Library was published in 1791, listing some 20,000 volumes, with supplements published in 1803, 1825, and 1836.⁴ Having studied these catalogues Christine Miller has concluded that an overwhelming majority of works published

¹ In contrast with, e.g. St Andrews University Library. See: Philip Ardagh 'St Andrews University Library and the Copyright Acts', *Edinburgh Bibliographical Society Transactions* 3, (1948–1955), 180–211.

² See: Andrew Hook, 'The Eighteenth century – Enlightenment emerges' in Peter V. Davies et al. (eds.) *The University of Glasgow Library: Friendly Shelves* (Glasgow: Friends of Glasgow University Library, 2016), 46–71; William P. Dickson *The Glasgow University Library: notes on its history, arrangements, and aims* (Glasgow: Maclehoose, 1888); R.C. Barrington Partridge *The history of the legal deposit of books throughout the British Empire* (London: Library Association, 1938).

³ See: Dickson (1888), 31. Dickson states 3,299 volumes in the Library in 1691; though Rawles claims 4,222 volumes were listed in sequence A-AW alone in the 1691 catalogue, MS Gen 1312, though some of these were certainly post 1691 additions. Cf. Stephen Rawles 'The 1691 Shelf Catalogue – a snapshot of an academic library at the end of the seventeenth century' in Peter V. Davies et al. (eds.) *The University of Glasgow Library: Friendly Shelves* (Glasgow: Friends of Glasgow University Library, 2016), 37. A 1698 inventory (GUA 58026/3) gives Library stock of 4,377.

⁴ See: Archibald *Arthur Catalogus impressorum librorum in Bibliotheca Universitatis Glasguensis, secundum literarum ordinem dispositus. Impensis Academiae, labore et studio Archibaldi Arthur* (Glasgow: Foulis, 1791) [Author catalogue] and Archibald *Arthur Catalogus impressorum librorum in Bibliotheca Universitatis Glasguensis, secundum pluteorum ordinem dispositus. Impensis Academiae, labore et studio Archibaldi Arthur* (Glasgow: Foulis, 1791) [Shelfmark catalogue]; *Appendix, seu, Catalogus impressorum librorum, in Bibliothecam Universitatis Glasguensis post ann. 1791 receptorum* (Glasgow: J. & J. Scrymgeour, 1803); William Fleming, *A supplement to the catalogue of books in the University Library, Glasgow* (Glasgow: Andrew and John M. Duncan, 1825); *A second supplement to the catalogue of books in the University Library, Glasgow* (Glasgow: Printed at the University Press, by Edward Khull, 1836).

after 1710, listed in the 1791 catalogue and its three early nineteenth-century supplements, were printed in Britain. Their British provenance, when considered alongside the Library's limited acquisition budget during the period, has led Miller to state – probably correctly – that University of Glasgow Library 'depended on the copyright privilege to provide the bulk of its accessions' from 1710 to 1836.⁵

Yet, identifying specific works – musical or otherwise – which arrived via legal deposit is problematic. In contrast to those of some other privileged universities, Glasgow's deposits from Stationers' Hall were not systematically recorded in a list, catalogued and classified in any distinctive way, nor even marked or stamped as legal deposit. As such, it can now be difficult to say with any certainty whether a book arrived on the shelf via legal deposit or not. Audrey Nairn has discussed two surviving documents which list the titles of Stationers' Hall books sent to Glasgow, one from 1731 (GUA 323), and another from 1770 (GUA 8622).⁶ To these can now be added lists from 1716 (GUA 58025/6), 1719 (GUA 58025/5), 1754 (GUA 5019/2), and a partial list of legal deposit books recently bound, from 1757 (GUA 19583).⁷ Throughout all of these lists only a single item of music appears, a 'Musical miscellany. 6 vol. Lond. 1729' listed in GUA 323, a list of books 'sent down from Stationers Hall' in 1731.⁸ This six-volume miscellany is likely the octavo set printed by and for John Watts between 1729 and 1731 (i.e. English Short Title Catalogue T118842) listed in the 1791 catalogue and now located at: University of Glasgow Library Sp Coll Bi10-i.28–30.⁹

In his history of University of Glasgow Library Dickson comments that by the early decades of the nineteenth century the legal deposit privilege was not working effectively, '[t]he library freely obtained its share of the works of fiction, juvenile literature, fugitive poetry, and music that were issued yearly from the press; but the books were procured with ease in inverse ratio of their value, and continuations, periodicals, and works with expensive plates, especially if issued in parts, were either not procured at all, or supplied imperfectly'.¹⁰ Music then, in these years before it was being taught by the University as an academic discipline, was not the sort of valuable material the Library sought,

⁵ Christine M. Miller: 'The effect of the loss of copyright privilege on Glasgow University library, 1790-1858' *Library history* 7:2 (1985) 47–48. Contrastingly just an estimated 33% of the Library stock was British-published in 1691. Cf. Rawles (2016), 40.

⁶ See: Audrey Nairn: 'A 1731 copyright list from Glasgow University Archives' *The Bibliothek; a Scottish Journal of Bibliography and Allied Topics*, 2:1 (1959), 30–32.

⁷ Thanks to my colleague Moira Rankin for assistance in locating these.

⁸ Though it should be noted that the 1719 list (GUA 58025/5) contains several imprecise entries of the sort '20 more sermons, pamphlets & sheets', which might conceal some sheet music deposits.

⁹ This entry in the Stationers' Hall list (GUA 323) has been glossed with the note 'R.S. has it'. This might imply that the miscellany was being read by, or in the care of, Professor of Mathematics Robert Simson (1687–1768) who was outgoing *quaestor* at that point. See Nairn (1959), 31. Notably the set now lacks volume 1 which was already missing by 1791 according to Arthur (1791).

¹⁰ Dickson (1888), 16.

and yet Stationers' Hall was apparently supplying it via legal deposit.

In her analysis of the changing pattern of Library accessions between 1791 and 1836 Christine Miller notes that, by 1791, the Library had not received large quantities of music.¹¹ Miller is probably correct in this assertion; sheet music and musical scores were listed in Arthur's 1791 alphabetical author catalogue under 'Musica', the entry in question reading simply 'Collections of Musick', with the shelfmark 'CK.1.5. &c'. The corresponding entry in Arthur's 1791 shelfmark catalogue for 'CK.1.5' reads 'Collections of Musick, in [blank space] vols. Fol.'. Helpfully, we still hold the Library's own annotated and amended working-copy of Arthur's shelfmark catalogue, which has been glossed to read '21 Collections of Musick, in 17 vols. Fol.'¹² Given that music was apparently not the sort of material the Library would have specifically purchased at this date, it is reasonable to conclude that this entry describes legal deposit sheet music, bound into 17 volumes.

While the 1803 supplement listed only a further six titles under 'Musica', giving no mention of how many volumes these entries entailed, the following decades saw an explosion of new music accessions.¹³ The 1825 supplement listed around 35 volumes of bound folio music including, for example, two new folio volumes of harp music (1820 and 1822) and some 30 volumes of vocal music, providing in each case the relevant shelfmark for each accession.¹⁴ The 1836 supplement listed a further 127 folio volumes of music, including 55 volumes of piano-forte music, 16 of piano-forte and flute music, 29 of vocal music, a volume of guitar music, duets for the harp, duets for the violin, and several other entries.¹⁵ Once again, given that the University was apparently not interested in buying music at this date we must conclude that the vast majority, if not all of these accessions, were via legal deposit.

Despite both 1825 and 1836 supplements providing shelfmarks for the music volumes, it is not possible today to locate these items using the online Library catalogue owing to later reclassifications. However, it is occasionally possible to locate a surpassed shelfmark on a front pastedown or verso of a title page, providing the information has not been lost through rebinding. Several of the volumes listed in the 1836 supplement have been identified in this way, now distributed throughout several tiers of shelves of the University

¹¹ Miller (1985), 50.

¹² See: Arthur (1791) [Shelfmark catalogue] at University of Glasgow Library: Sp Coll Mu. Add. f45.

¹³ Regrettably, in her analysis of the subject matter of new accessions 1791–1835 (table III etc), Miller significantly under-records music accessions (possibly on account of her sampling methodology, given that all sheet music accessions were apparently grouped together rather than spread throughout the author sequence), so fails to account for their significance. See: Miller (1985), 50–52.

¹⁴ Fleming (1825), 338.

¹⁵ *A second supplement to the catalogue of books in the University Library, Glasgow* (1836), 495.

of Glasgow Library's Historical sequence stored at the Library Research Annexe.¹⁶

We know that one of the eight volumes of harp music listed in the 1836 supplement, EI.1.22, is now located at Store HQ00950, comprising 27 different pieces of music bound together, including for example, "*All' idea di quel metallo*," *Rossini's favorite duett in Il barbiere di Siviglia / arranged for the harp, and dedicated to his pupil Mrs. James Kearney White, by Henry Horn*, published in London by S. Chappell. The volume survives in contemporary half calf and marbled paper, bound in Glasgow by John Carss.¹⁷ Similarly, EM.1.18, listed in the 1836 supplement as one of 29 volumes of vocal music, is now located at Store HQ00967. Again in a contemporary half calf binding by Carss, this volume comprises three vocal scores by Sir Henry R. Bishop (1786–1855): *The overture, songs, two duetts, & glees, in Shakespeare's Comedy of errors, The fall of Algiers, a grand opera in three acts* and *The overture, and music in the comic opera called Englishmen in India*, all published in London by Goulding & D'Almaine between 1819 and 1827.

If we turn to the question of use, surviving Library 'receipt books', which record student and staff library borrowing from the early nineteenth century, are revealing in various ways.¹⁸ Firstly, they tell us how newly-acquired legal deposit music was processed and stored. The receipt books provide information on borrower, title/description, place and date of publication, dates borrowed and returned, and the shelfmark or location of the item. Music loans were never afforded a shelfmark, just a location, 'New room'. This 'new room' was likely the 'crazy room' into which all new legal deposit material was 'thrown', so described by T.F. Dibdin, a visitor to the Library in the mid-1830s:

¹⁶ See particularly: Store HF00105–HF00124 and many of the volumes stored over three tiers at Store HQ00856–HQ01834. Candidates can be identified by using the Rare Books Search: <http://eleanor.lib.gla.ac.uk/search-S15/f> with shelfmark 'Store HF' or 'Store HQ', then limiting the results by date (1710–1836), and material type (music score). Regrettably many of the volumes have now been rebound removing traces of earlier shelfmarks, so making it impossible to conclusively match them with those listed in 1836. However, the following items from the 1836 supplement have been located and a closer study of the volumes in this sequence may locate more matches: 'Guitar music': DH.1.35 = Store HQ00979; 'Harp music': EI.1.22 = Store HQ00950, EI.1.23 = Store HQ00965; 'Piano-forte music': EK.1.17 = Store HF00106, EK.1.20 = Store HF00124, EK.1.21 = Store HF00105, EK.1.22 = Store HF00107, EK.1.23 = Store HF00108; 'Piano-forte and flute music': DH.1.20 = Store HQ00981; 'Duetts for the harp, piano-forte &c.': DN.4.1 = Store HQ00948, DN.4.3 = Store HQ00947, DN.4.4 = Store HQ00951, DH.1.13 = Store HQ00969; 'Operas, glees &c.': DH.1.30 = Store HQ00835; 'Elements of singing': DH.1.34 = Store HQ00939; 'Vocal music': EM.1.18 = Store HQ00967. Many thanks to colleagues Kerr Ross and Jean Macaulay for helping locate this material.

¹⁷ John Carss (active 1809–1877) cf. *Scottish Book Trade Index*: <https://data.cerl.org/sbti/001223> [Last accessed 23 August 2019].

¹⁸ See: Student library receipt books: 1828–1833 (Library Records A50) and 1834–1837 (Library Records A51); and Professor library receipt books: 1789–1833 (Library Records 133) and 1803–1829 (Library records 134).

There is one noble room, containing by far the greater number of works, to which the students are in a constant habit of coming for books upon loan. It was gratifying to see such a constant succession of young men hungry and thirsty after useful intelligence. . . . There are several small rooms above, of which the shelves are sufficiently crowded with volumes; and one room in particular – which I choose to call the crazy room – where all new works are thrown upon their heads or legs, for future selection – the result of an Act of Parliament.¹⁹

The receipt books sometimes record music published more than a decade earlier being borrowed from the ‘new room’, this despite new legal deposit books being shipped to Glasgow regularly.²⁰ This implies legal deposit music was not being processed, catalogued, and classified particularly quickly during the early nineteenth century. Moreover, some music can be seen issued in volumes, while others are issued as individual pieces. Given that books arrived from Stationers’ Hall unbound, in parcels of sheets, the combination of both individual pieces of music and bound volumes being issued from the ‘new room’ implies music was occasionally gathered together and bound, even if not classified with a shelfmark.²¹

The second thing to note from the receipt books is that loans of music and songs to students seem conspicuously absent.²² While the receipt books clearly show students accessing the ‘new room’ to borrow periodicals, serials, and other new acquisitions, music borrowing is not recorded. The 1820s Library regulations prohibited the lending of English-language novels and romances to students, while the Royal Commissioners appointed to inspect Scottish universities in 1826 reported the Library failing to lend students some modern literature and works of ‘a light description’.²³ Therefore, it is possible that modern music was also forbidden for students to borrow, though a closer

¹⁹ T.F. Dibdin, *A bibliographical, antiquarian and picturesque tour in the northern counties of England and in Scotland* (London: printed for the author, 1838), vol. 2, 714.

²⁰ John Murray (1737–1793) became the Library’s London agent in 1774 and, by 1778, was shipping books twice yearly (see for example GUA 8599 and 8580 for invoices). Following the 1814 Copyright Act, Stationers’ Company Warehouse Keeper, George Greenhill (1767–1850), acted as agent to the Scottish universities, dispatching parcels of books monthly. On this see Ardagh (1948–1955), 194–196, and Greenhill’s invoices to the University (e.g. GUA 31027 and 31037).

²¹ See: Partridge (1938), 37, on books in sheets.

²² See: Student library receipt book 1828–1833 (Library Records A50) and Student library receipt book 1834–1837 (Library Records A51).

²³ See: *Evidence, oral and documentary, taken and received by the commissioners appointed by His Majesty George IV. July 23d, 1826; and re-appointed by His Majesty William IV., October 12th, 1830; for visiting the universities of Scotland*. Vol 2 (London: W. Clowes and Sons for H.M. Stationery Office, 1837), 98, 162, 542, 548.

study of the surviving student Library receipt books would be needed to confirm this.²⁴

Contrastingly, professors – some in particular – were avid borrowers of newly-deposited music. For example, on 17 January 1821, James Mylne (1757–1839), Professor of Moral Philosophy, borrowed two volumes of ‘Piano-forte music’ published in London in 1820, keeping them for several months. Similarly, on Valentine’s Day 1823, Stevenson MacGill (1765–1840), Professor of Divinity, borrowed some ‘Vocal music’ from 1820 alongside a two-volume set of Wordsworth’s *Poems*, returning both the following July. A fortnight later, he borrowed a further ‘56 pieces of music’, returning the same in July 1824. Similar patterns can be traced throughout the receipt book with some, like Professor of Ecclesiastical History, William McTurk (c. 1779–1841), never borrowing music, while others borrowed music frequently. One of the keenest music borrowers seems to have been the Principal, Duncan Macfarlan (1771–1857) whose music borrowing comprised one in every three items in 1826 and one in every four in 1827.²⁵

A third thing we can infer from the receipt books concerns *when* music was being borrowed. While the Professors’ receipt books log borrowing from the late eighteenth century onwards, music borrowing only seems to start during the 1820s. Take for example Professor of Mathematics, James Millar (1762–1831), for whom we have borrowing records covering the period 1790–1829.²⁶ Millar was an active user of the Library throughout the period, regularly borrowing twenty or thirty items annually, occasionally more and occasionally fewer. Between 1790 and 1820 he borrowed no music whatsoever; yet, from 1821, music began to appear in the receipt book. In May 1821 he borrowed a four-volume set of piano-forte music for the year 1820; in February 1822, he borrowed 30 pieces of piano music for 1820; 1823 saw him borrow three lots of music, two from 1822 for the piano, and some vocal music from 1821. This reasonably regular borrowing pattern continued, peaking in 1825, with music comprising more than a quarter of the 38 items he borrowed. It is possible that having never taken an interest in music before, he became converted in the 1820s; or perhaps he had not borrowed music before 1821 because the Library had very little. Professorial borrowing patterns like Millar’s, which see music begin to appear on receipts in the 1820s, arguably support the latter conclusion. See for example the receipts for Regius Professor of Botany, James Jeffray (1759–1848), for whom we have borrowing

²⁴ Notably, none of the inspected volumes of music bear the kind of student doodles and marginalia common of circulating stock found in Scottish universities during this period cf. Matthew Sangster ‘Copyright literature and reading communities in Eighteenth-Century St Andrews’ in *The Review of English Studies*, New Series, 68, 287 (2017), 945–967.

²⁵ See: Professors’ library receipt book 1789–1833 (Library Records 133).

²⁶ For 1790–1807 see: (Library Records 133); for 1808–1829 (Library Records 134).

records dating back to 1790. Jeffray borrowed no music before 1823, after which it appeared quite regularly in his receipts. A closer study of the professors' receipt books would be required to confirm the thesis, but it is possible that the legal deposit music – which we so clearly see listed in the 1825 supplement – only began to arrive in Glasgow in any kind of quantity in the early 1820s.

In conclusion, while there is little by way of explicit reference to music legal deposit in Glasgow 1710–1836 in extant primary and secondary sources, a close study of surviving Stationers' Hall lists, published library catalogues and their supplements, and library borrowing records, allow us to draw some tentative conclusions. The period c. 1820–1836 sees significant music legal deposit accessions at University of Glasgow Library; in contrast, little by way of legal deposit music seems to have arrived from 1710 to that date. Up to at least the late 1820s, legal deposit music remained unclassified and was stored in the Library's 'new room' alongside other new arrivals and legal deposit material. While some music was sent for binding, other music remained in sheet form for long periods of time. While students may have had access to legal deposit music in the 'new room', they were possibly not permitted to borrow it. A closer study of the Student library receipt books would be needed to confirm this. Professors were regular borrowers of music throughout the 1820s and closer study of the Professors' library receipt books would be worthwhile to shed light on borrowers and borrowing patterns.

Abstract

Printed sheet music formed a significant but hitherto under-recognised proportion of legal deposit accessions to University of Glasgow during the period c. 1820–1836. This paper draws on a range of evidence including published library catalogues and their supplements, reader records, and copy-specific evidence from within bound volumes, to discuss how legal deposit printed music was accessioned from Stationers' Hall and dealt with by University of Glasgow Library. It makes some tentative conclusions about contemporary access and use of this material by students and professors and suggests some avenues for future research.

Robert MacLean is Assistant Librarian in University of Glasgow Library, Archives & Special Collections, where he has worked for the last 17 years. He is responsible for use of collections in teaching and has additional responsibilities in rare book cataloguing and historical bibliographical enquiry. He has interests in all aspects of book history.

DISCOVERING COPYRIGHT MUSIC IN THE UNIVERSITY OF ST ANDREWS LIBRARY

Briony Harding, Elizabeth Henderson & Karen E. McAulay

Between 1710 and 1836 the University Library in St Andrews was one of nine libraries entitled to claim one copy of every book printed in the United Kingdom and entered in a Register at Stationers' Hall in London.¹ An account in 1818 of the regular arrival of parcels of these books describes how they were ceremoniously opened to discover the contents: 'The Books which are now received in consequence of being demanded, are generally delivered in Sheets, & are transmitted to us in monthly parcels. Every parcel is opened by the Librarian in presence of a Committee of the University, & after being carefully inspected, a list is inserted in a book kept for the purpose.'² Among the books and pamphlets was sheet music. Little music appears to have been received in the eighteenth century but, by the end of the copyright privilege in 1836, the bound up sheet music extended to over 400 volumes.³ There is extensive evidence that the music was borrowed and used in the first half of the nineteenth century but, by the 1940s, it appears to have been institutionally forgotten. The Minutes of the University Library Committee for a meeting held on 13 February 1947 (signed and dated 23 May 1947) record that 'Originally the copyright music appears to have been bound in 441 volumes, of which the Librarian discovered 413 in a store in St Mary's College some years ago: no trace has been found of the other 28 volumes'.⁴

This article traces the discovery and re-discovery of the 'Copyright Music' collection at St Andrews by librarians and researchers. It will examine an outline of copyright music and how it has been catalogued and treated by the University; how the collection can be approached by a researcher; and finally, the University Library's ambitions for the future of its copyright music.

The implementation of the copyright privilege was never straightforward,

¹ An early submission for a Library Association diploma, Robert C. Barrington Partridge's *The history of the legal deposit of books throughout the British Empire: a thesis approved for the Honours diploma of the Library Association* (London: Library Association, 1938) still provides a useful summary of this topic, whilst also demonstrating how far librarianship qualifications have travelled in the subsequent 80 years.

² St Andrews University Library (hereafter StAUL), UYUY452, *Minutes of Senatus*, vol. 13, p. 16.

³ Philip Ardagh, 'St Andrews University Library and the Copyright Acts', *Edinburgh Bibliographical Society Transactions*, vol. 3 1948-55 (1957), 206.

⁴ StAUL, UYLY405/4, *Library Committee Minutes*, 1938-1954, p. 439.

and the distance between St Andrews and London complicated attempts to enforce it. The problems which St Andrews had in claiming copyright works is summed up by both Philip Ardagh and Elizabeth Ann Frame,⁵ and rich records survive in the Library archives documenting the struggle to discover all the works the University was entitled to, and to ensure they were all delivered. Eventually, the system was replaced. The Copyright Act of 1836 (6 and 7 Will. IV, c. 110) deprived six libraries, including St Andrews, of their right to a copy of every new book and reprint, in return for an annual allowance. The compensatory grant for St Andrews was fixed at £630.

Not all items received under the copyright privilege at St Andrews made it directly onto the shelves. In October 1798 the University minutes noted that the Curators, opening the last parcel from Stationer's Hall, 'had arranged in one Parcel those Books which they judged proper to be bound immediately, in a second those that might be used for some time before they were bound, in a third Pamphlets and odd numbers to be stiched [sic] and bound with others now in the Closet, and in a fourth those which they did not think worthy of being preserved'.⁶ Frame speculates that, before 1801, music received under copyright was put into the fourth category.⁷ However, in 1801, almost one quarter of the Library's entire holdings of copyright music was bound in numbered volumes. Frame argues that this was not a change of attitude on the part of the University towards music, but rather an appreciation of the legal niceties following legal disputes over copyright laws; the library was now getting its affairs in order so that it could fight to regain lost ground.⁸ Some attempt was made to bind like items together, with a simple description (e.g. 'Songs', 'Sonatas', 'Overtures') as a spine title. However, as Frame demonstrated, it is rare that the titles on the spines accurately reflect the whole contents of a volume, if, indeed, any contents at all.⁹

Copyright music in St Andrews: use and treatment

The Copyright Music Collection is bound in uniform volumes numbered 1 to 423. There are a few earlier pieces, but the bulk dates from the late eighteenth and early nineteenth centuries. The music itself is varied: vocal music for solo voice and piano, vocal duets, trios, and quartets, with genres ranging from ballads and glees to hymns and psalms; piano music, much arranged from operas and theatre; chamber music, such as Beethoven's symphony no.1,

⁵ Ardagh, 'St Andrews University Library and the Copyright Acts', 179-211; Elizabeth Ann Frame, 'The Copyright Collection of Music in the University Library, St. Andrews: a brief account', *Edinburgh Bibliographical Society Transactions*, vol. V, pt. 4 (1985), 1-3.

⁶ StAUL, UYUY452, *Minutes of Senatus*, vol. 10, p. 186.

⁷ Frame, 'Copyright Collection of Music', 3.

⁸ *Ibid.*

⁹ *Ibid.*, 5.

arranged for piano with flute, violin, and cello accompaniment;¹⁰ music for solo instruments, including the (German) flute, violin, and guitar, usually with piano accompaniment. Often parts are missing. *The favourite airs in Weber's celebrated opera Euryanthe*, for example, for harp and piano with flute and cello accompaniments, lacks the cello part.¹¹ There are also didactic works, from instructions for individual instruments, such as the piano and pedal harp, to instructions on the thorough bass (figured bass), harmony, and musical composition.

In 1821 the University began to consider printing a catalogue of books belonging to the University Library,¹² which appeared five years later.¹³ Music was not included, but on 29 August that same year, 1826, 'There was laid upon the Table by the Rector a Manuscript Catalogue of the Music belonging to the Library made out by Miss Lambert. The Rector was requested to convey to her the thanks of the university for the good pains she had been at in making it out'.¹⁴ This two-volume catalogue still exists.¹⁵ The first volume is bound in quarter calf and marbled paper, and is now very fragile, with its covers much rubbed and back board detached. The second volume, bound in parchment, with a red leather label on the front cover stamped in gold, is in a much more stable condition. The first volume lists volumes 1-160 of the music, and the second volumes 161-419 (volumes 409-415 were added in 1834, whilst volumes 416-419 merely consist of pencil volume numbers with no contents). Most volume entries consist of a short title on the left-hand side, and the composer's name on the right, although this name is sometimes the arranger, editor, or even the publisher. In most cases the entry occupies one line of text, although a few entries take up more.¹⁶ Most entries are numbered, but some, such as vol. 106, lack this. From vol. 409, when entries were made in 1834, the title/composer pattern is replaced by a brief, usually one-line, summary: 'Miscellaneous Airs & Rondos for P.F. – Vide Index [prefixed to the volume]'. Due to some strange spellings in the 1826 catalogue, Frame suggests that Miss Lambert read the titles aloud from the music to an amanuensis.¹⁷

¹⁰ *Beethoven's celebrated grand symphony, performed at the concerts of the Philharmonic Society* (London: Hodson, 1824). The piano, flute, violin, and cello parts are found in volumes 315, 317, 314, and 319 respectively.

¹¹ The harp, piano, and flute parts are in volumes 346, 345, and 350.

¹² StAUL, UYUY452, *University Minutes*, vol. 13, p. 121.

¹³ *Catalogus librorum in bibliotheca universitatis Andreae, secundum literarum ordinem dispositus* (Cupar: Academiae Andreae, 1826). The printer was Robert Tullis.

¹⁴ StAUL, UYUY452, *Minutes of Senatus*, vol. 14, p. 145.

¹⁵ StAUL, UYLY108/1, *Music Catalogue*, 1826, vol. 1-2.

¹⁶ When this happens, the lines have still been numbered. A casual glance at vol. 86 suggests there are two items in this volume, until a close reading reveals it is one title over two lines. The cataloguer was more helpful in vol. 88, where the title extends over three lines; here, the numbers '2' and '3' on the second and third lines have been crossed out. StAUL, UYLY108/1, *Music Catalogue*, vol. 1, pp. 91, 95.

¹⁷ Frame, 'Copyright Collection of Music', 6.

Today the volumes on the shelf are numbered up to 423, with additional numbers: vol. 112A (which corresponds to ‘Vol. 112 – 1806’ in the 1826 catalogue); 175a (an item which was removed from vol. 175); 319/3 (Paddon’s, *La Tablette Harmonique*, associated with the 3rd item in vol. 319: *A musical catechism, containing instructions for applying Mr J. Paddon’s new invention, La tablette harmonique*); an extra vol. 387 (which corresponds to ‘Vol. of Sacred Music (Stitched)’ in the 1826 catalogue, the entry appearing on the same page as vol. 387); vols. A375 and B375; vol. A385; vol. 394A; vols. A(1) 396 and A(2) 396; and vols. A1-A13.

55 volumes are no longer on the shelf.¹⁸ Of these, we know that 21 volumes (37, 56, 59-60, 63,¹⁹ 68, 69, 71, 77-78, 95, 113, 177, 196-198²⁰, 208-210, 292, and 354) were broken up and rebound, so are not technically ‘missing’. Other volumes have clearly been missing since 1826, as volumes 122-128 and 205 were not present when Miss Lambert compiled her catalogue.

In the nineteenth century, copyright music was available for borrowing. Some music was apparently borrowed before it was bound into volumes; a note under the ‘Sheets’ section of the list of books received from Stationers’ Hall on 22 July 1816 reads ‘29 Pieces of Music Lent to Dr. Playfair’.²¹ In her research on the copyright music Karen McAulay has shown that Principal James Playfair was a copious borrower of music.²² Professors not only borrowed music for themselves, but also for friends.²³ In January 1821 concern to preserve the library led to the proposal ‘that all persons not members of the University whom the Professors may be desirous of accommodating with the use of Books should henceforth receive such books through the Professors themselves & not by going directly to the Library or sending their Servants to it for the purpose of taking out Books in the Professors’ names’.²⁴ On 3 February that year, further limits were introduced: ‘The committee [. . .] report that in their opinion no Professor should at any one time have more than three

¹⁸ Namely 18, 37, 39, 48, 49, 56, 59-60, 63, 65, 68-69, 71, 77-78, 81, 85, 86, 95, 113, 119, 122-128, 162, 177, 179, 181, 184, 188, 196-198, 205, 208-210, 232, 253, 258, 284, 292, 297, 351, 354, 367, 378, 381, 384, 391, and 393.

¹⁹ The 20th item in the Field catalogue (“*To all ye ladies, now in town*” a favorite glee for 3 voices) does not have a note to say it has been extracted, but it seems likely, as all the other items were extracted. A search in our online catalogue currently produces no matches. StAUL, Field Catalogue, p. 343-344.

²⁰ The sixth item in vol. 198 (*The overture, choruses, and whole of the music as performed at the Theatre Royal Covent Garden, to the grand melodramatic opera, called The virgin of the sun!*) has no note to say it has been extracted, but this is an omission, for the item is now the first of three items by H. R. Bishop bound in s M4.B48 vol. 1. StAUL, Field Catalogue, p. 950.

²¹ StAUL, UYLY107/5, *Records of Stationers’ Hall Books: Books Received, 1788-1820*, p. 103.

²² Karen E. McAulay, ‘Claimed from Stationers’ Hall: St Andrews Copyright Music Collection’, *Echoes from the Vault [Blog]*, 2016 <https://standrewsrarebooks.wordpress.com/2016/08/18/claimed-from-stationers-hall-st-andrews-copyright-music-collection/> [accessed 12 September 2019]

²³ *Ibid.*

²⁴ StAUL, UYUY452, *Minutes of Senatus*, vol. 13, p. 116.

Books & a vol. of Music lent out to Strangers or those who are not Members of the University'.²⁵ This, of course, did not limit the number of music volumes a professor could take out personally. The receipt books in the library archives give the most detailed list of items borrowed (by both professors and students), but there is also evidence in the 1826 catalogues that material may have been out on loan. Against some volumes the name of a professor appears instead of a list of contents, presumably indicating who had the item when the catalogue was made. The names of Drs Chalmers, Ferrie, Hunter, and Gillespie all appear in the 1826 catalogue.²⁶

In 1925, George H. Bushnell was appointed University Librarian and introduced the Library of Congress classification scheme throughout the Library. The whole of the copyright music sequence was allocated the class-mark M1.A4M6, followed by the volume number, e.g. M1.A4M6;130. Essentially this means that the entire sequence was classified as 'miscellaneous'.²⁷ This was a quick and easy way to classify a large amount of material, but also ensured that the volumes remained together on the shelf in numerical order.

The copyright music has apparently always been shelved in a separate sequence (until some items were reclassified and interfiled with the main sequence in the late 1940s; see below). A note in vol. 1 of the 1826 catalogue refers to a specific Music Press: 'Vols 78. 79. 80. 81. 82. 83. 84 & 86 altogether 8 vols were transferred from the Music Press to the Closet very small volumes'.²⁸ Possibly this Music Press was the 'store' referred to in the Library Committee minutes from 1947 when the copyright music was rediscovered, which had been forgotten about over the years.²⁹ When the Library moved to its new premises in the 1970s, the copyright music was again shelved separately, and this remains so in the current Special Collections Store. It is, however, not a discrete collection, but one sequence within the Copyright Collection.

In February 1947 Cedric Thorpe Davie, Master of Music at the University of St Andrews, made a report to the University of his thorough inspection of the copyright music. Finding that it had been 'bound without regard to proper association' he 'offered to take the volumes to pieces and re-assemble the thousands of pieces of music'.³⁰ The music which was extracted was either

²⁵ *Ibid.*, p. 117-118.

²⁶ Dr Chalmers had volume 240; Dr Ferrie volumes 129, 188, 190, 200, 216, 266, 295; Dr [James] Hunter volumes 181, 184, 187, 239, 280, 310, 328; and Dr Gillespie volumes 290 and 318. StAUL, UYLY108/1, *Music Catalogue*, vol. 1-2. Of these volumes, only 181, 184, and 188 are still missing.

²⁷ 'Class here [M1.A5-Z] collections by two or more composers too varied to assign to a more specific class'. Library of Congress Classification schedules, Class M [available on subscription via Classification Web <https://classweb.org/>].

²⁸ StAUL, UYLY108/1, *Music Catalogue*, vol. 1, p. 83.

²⁹ StAUL, UYLY405/4, *Library Committee Minutes*, 1938-1954, p. 439.

³⁰ *Ibid.*

allocated a new position in the music stacks, or added to the Finzi Collection.³¹ Thorpe Davie noted in his 1982 catalogue of the Finzi collection that ‘a considerable number of items which originally formed part of the Library’s huge holding of material received under the Copyright Acts, though at present classified and shelved with the [Finzi] Collection, have been excluded from this volume, as it is intended eventually to return them to the Copyright Collection, and to include them in the catalogue presently being prepared by Mrs Elizabeth Ann Frame’.³² To date these volumes have not yet been returned, but a photocopy of the Finzi Music Score Index, annotated by Thorpe Davie, includes notes on items which came from the Copyright Collection.³³ Elizabeth Ann Field’s (née Frame) catalogue also notes where music has been extracted. For example, *Six favorite new waltzes* composed by John Ross, the 25th item in vol. 106, was ‘Extracted and bound with other items by Ross’.³⁴ A project in 2017 retrieved some scores from the Music Department Library which may have originally been legal deposit material, given to the Music Department along with other music from Thorpe Davie’s own collection.

Cataloguing the copyright music

The copyright music has undergone three cataloguing projects. The first was Miss Lambert’s 1826 catalogue. There are various issues with this catalogue, including volumes with no entry, and inaccurate contents.³⁵ As entries are listed by volume, searching for music by a particular composer, or for a specific instrument, is very difficult. In the twentieth century this challenge was recognised, and someone helpfully, for vol. 323, listed the instruments in pencil down the right-hand margin.³⁶ Parts are often bound separately. Some cross-references are given, but not consistently. The entry for vol. 269 notes that the harp accompaniment for items 5 and 6 can be found in volume 285, but not that the flute and cello parts are bound in vol. 273 and 272.³⁷ Such shortfalls were clearly noted during the nineteenth and twentieth centuries, for vol. 273 and 276 have the corresponding volumes for other parts added in ink in later hands.³⁸

It was over a hundred years before another catalogue was produced, by Elizabeth Anne Field, in the 1970s and 1980s. Never formally published, it

³¹ Frame, ‘Copyright Collection of Music’, 8. Items must first have been moved to elsewhere in the Copyright Collection, as the Finzi Collection was not purchased until 1966.

³² *Catalogue of the Finzi Collection in St Andrews University Library*, compiled by Cedric Thorpe Davie (St Andrews: University Library, 1982), p. iii.

³³ StAUL, ms37757/4g.

³⁴ StAUL, Field catalogue, p. 500.

³⁵ See Frame, ‘Copyright Collection of Music’, 5-6.

³⁶ StAUL, UYLY108/1, *Music Catalogue*, vol. 2, “Vol. 323”.

³⁷ *Ibid.*, pp. 115, 119, 118.

³⁸ *Ibid.*, pp. 119, 122.

survives as typed sheets housed in six boxes, currently uncatalogued.³⁹ Like the 1826 catalogue, it is arranged by volume, from 1 to 422, including the additional volumes listed above.⁴⁰ Field also has a volume 48A: Music Ray/Campbell/Badland/Swindells/Whelpdale, in an oblong format. It consists of five items, all 'Extracted'. The typescript of Field's catalogue is unfortunately incomplete, as 'Appendix A', referred to throughout the text, is not present. Each volume has a brief description (e.g. 'Volume 1 Music Ballets', taken from the spine title, and not always reflecting the contents⁴¹), and each entry includes a full title transcription, including information added by hand in ink, and some of the following: collation (in a simplified format), first line, details of when entered at Stationers' Hall, RISM number, and any other information deemed noteworthy (one of which is a watermark date). Where items have been lacking in a volume, Field cross-referenced to the 1826 catalogue, and made a possible identification. For example, the 16th item in vol. 103, 'Listen to the voice of love . . . Geary' has been identified with RISM G 777.⁴²

The Field catalogue gives a fuller and more accurate representation of the copyright music and what is (or was) in each volume. As a finding aid, however, it suffers from a similar problem to the 1826 catalogue: entries are listed as they appear in the volumes, not allowing for easy identification by title, composer, or instrument. Whilst titles are now transcribed in full, it is not always clear where multiple titles are contained within one work. For example, the 18th and 19th items in vol. 106 are 'A Collection of favourite songs sung at Vauxhall Gardens', which contain individually titled songs not listed in the catalogue.⁴³

In Field's catalogue, information is recorded line by line, which can occasionally be misleading. The 21st item in vol. 106 is the song *Heart of Oak & Sheelala for ever* composed by Mr. Hook. At the head of the title page is written 'For Stationer's Hall', and to the right and slightly above the composer's name, in the same hand, is written 'J. Dale'. Dale is the publisher, clearly here designating this copy for Stationers' Hall. However, Field's line-by-line transcription renders this as: '[in INK For Stationer's Hall] / Heart of Oak & Sheelala for ever / a Favourite Song / Sung with unbounded applause / by Mr Dignum at / VAUXHALL GARDENS / Composed by / [in INK J. Dale] /

³⁹ Box 1 contains pp. 1-500 (vol. 1/1-106/25), box 2 pp. 501-966 (vol. 106/26-199/53), box 3 pp. 967-1353 (vol. 199/54-265/8), box 4 pp. 1354-1892 (vol. 265/9-346/1), box 5 pp. 1893-2399 (vol. 346/1-409/27), and box 6 pp. 2400-2576 (vol. 409/27-422/19, A1/1-A13/7).

⁴⁰ Field lists the contents of vol. B375 under vol. A375, and extra vol. 387 is designated vol. 387A.

⁴¹ See Frame, 'Copyright Collection of Music', 5-6.

⁴² STAUL, Field catalogue, p. 472.

⁴³ *Ibid.*, p. 498.

Entd. At Stats. Hall Mr. Hook [. . .]'.⁴⁴ Anyone reading this may mistake J. Dale as the composer, rather than Mr. Hook.

The final cataloguing project to focus on copyright music was in 2001-2002, under 'Ensemble', a project funded by the Research Support Libraries Programme, focussing on the retrospective conversion of music catalogues.⁴⁵ This funding was applied to publications dating from 1800 onwards. With the aid of a student with musical knowledge vol. 130-385, 175a, A365, B365, and A385 of the copyright music were catalogued, with the exception of vol. 180, 376, 377, and 379. Inevitably, although some earlier material was catalogued (perhaps because other items in the same volume were post 1800), other earlier material was omitted, and some of the latest material was not reached before the grant ended.

Under this project the items catalogued contain title entries (including uniform titles), authorised author entries, full imprint, description (pagination and height), subject headings, and relevant notes. For the items which have been catalogued, researchers can now find music by composer, title, or genre, whilst also having the ability to pull together items bound together in the same volume. Although these online records provide good access, the items were not catalogued to Descriptive Cataloguing of Rare Materials Music (DCRM(M)) standards, now used in Special Collections.⁴⁶ Unfortunately a mistake in coding the bibliographic records also means the first item in each volume is duplicated when searching by classmark. Anyone currently searching our online catalogue for copyright music under classmark M1.A4M6 would be presented with 5,108 bibliographic records, where there are really only 4,877 (from 231 volumes catalogued).

Approaching the collection as a researcher

Copyright music was originally part of the lending stock of the library. Music was borrowed, and (usually!) returned for others to enjoy in the same way. This music is no longer available to take home, but it is open to researchers. Since Ardagh and Frame/Field, several scholars have made studies of different aspects of the non-musical legal deposit collection, examining what students borrowed, and looking at annotations made by the readers in various

⁴⁴ Ibid., p. 499.

⁴⁵ St Andrews was a late-comer to the project. The 'Ensemble' consortium, led by Birmingham University, included Oxford, London, Edinburgh, and Cambridge Universities, as well as the Royal Academy, Royal College, and Royal Northern College of Music. Each library chose different areas of music to focus upon, in order to maximise the number of different new records being made available. Cambridge University Library, Annual Report for the Year 2000-2001: Highlights https://www.lib.cam.ac.uk/files/ann_report_00-01.pdf [accessed 12 September 2019]

⁴⁶ *Descriptive Cataloguing of Rare Materials Music* <http://rbms.info/files/dcrm/dcrmm/DCRMM.pdf> [accessed 12 September 2019]

book margins.⁴⁷ Most recently, Karen McAulay has worked on the borrowing and use of the Copyright music collection in the first half of the nineteenth century.

In terms of the amount of legal deposit music that reached St Andrews and was carefully bound into volumes, McAulay believes that the St Andrews collection is probably on a par with the collections in Oxford's Bodleian Library and the University of Glasgow, but having perhaps not quite as many as the British Library. The Georgian legal deposit libraries did not always take music, and neither did they always keep what they took. Furthermore, the documentation of the nation's legal deposit collections proved to be patchy, so that what was sent from London, what was kept by the libraries, and what was documented in any systematic way, does not fully coincide – rather like Venn diagrams with circles that interlock but are certainly not superimposed.

From a research point of view, there are frustrations when a smallish but significant proportion of a collection is not catalogued online. It is difficult to form an overview of a collection of this size, and to compare surviving materials across the various legal deposit collections – a problem compounded across the sector. In the case of the University of St Andrews, this disadvantage is partly mitigated by its Muniments collection – that is, the archives of the University itself. The existence of these unique archival records were of pivotal importance to McAulay's subsequent research, for they include a two-volume handwritten catalogue of the music, made by a professor's niece, Miss Elizabeth Lambert, in 1826, and maintained after that until legal deposit music ceased to be received by the University – albeit perhaps a little less carefully by other hands in latter days, after Miss Lambert had married in 1832 and moved to London. The handwritten listing sometimes conflates different 'parts' of a series into fewer entries, and sometimes abbreviates titles beyond bibliographical identification, but its survival is significant, because this was the entry-point into the collection for its first borrowers; it remains a guide to the contents of volumes which have not yet been catalogued online.

The Muniments also contain indexed Senate records, which refer to decisions about the Library; records of financial transactions; and the records of the Library including lists of items received from Stationers' Hall and borrowing records. Of these, the Senate records were of crucial importance to

⁴⁷ Matthew Simpson, 'St Andrews University Library in the Eighteenth Century: Scottish Education and Print-Culture' (The University of St Andrews, 1999) <http://research-repository.st-andrews.ac.uk/handle/10023/1848> [accessed 12 September 2019]; Matthew Sangster, "'William French Is a Damned Bragging, Lying B****': Book Use and Marginal Contentions in Eighteenth-Century St Andrews, Part One', *Echoes from the Vault [Blog]*, 2017 <https://standrewsrarebooks.wordpress.com/2017/01/27/william-french-is-a-damned-bragging-lying-b-book-use-and-marginal-contentions-in-eighteenth-century-st-andrews-part-one/> [accessed 12 September 2019]; Matthew Sangster, 'Copyright Literature and Reading Communities in Eighteenth-Century St Andrews', *The Review of English Studies*, New Series (2017), 1–23 <https://doi.org/10.1093/res/hgx024>.

Ardagh and Frame in writing their own accounts of the collections. As a musicologist and cultural historian, McAulay transcribed all music borrowing transactions between 1801 and 1840, and subsequently analysed which volumes were borrowed most, and by which category of borrower. Borrowing was listed on individual professors' or students' pages in the ledgers, along with the name of any friend for whom the volumes might have been borrowed. Identifying music loans was time-consuming, and involved searching thousands of ledger pages, but at least the music was easily recognisable, as, for example, 'Music 284'.

The argument has been made that, with *Sammelband* volumes – containing multiple separate publications bound together in rough categories (piano music, songs, instructional material, harp music, etc.) – one cannot discern which individual pieces were popular. This is undeniably true; too much speculation is certainly poor research practice. Nonetheless, interesting data can be compiled, and generalities can be inferred from close and detailed observation. Moreover, some borrowing records in the early 1800s allude to particular music publications, such as the Scottish songs published by George Thomson, and musical settings of Irish songs by Thomas Moore, not bound into composite volumes, perhaps because of their size, or because they came suitably bound from the publisher. Alternatively, borrowing records perhaps suggest that a few songbooks might have been so desirable that they circulated before they could be bound into larger volumes.

Most interestingly, the data collated from the loan-records transcriptions identified which volumes, and hence, which *types* of music, were most borrowed by different categories of users at different times – whether professors, their male or female friends, married or unmarried women, clergy or military men (presumably veterans either of the Napoleonic Wars, or from the East India Company's private army), or students. Undergraduates attended St Andrews as young teenagers at this time – a fact leading to some entertaining marginalia in textbooks, as explored by Matthew Sangster and others – living either at home or in lodgings. Few borrowed music, but one or two borrowed heavily, maybe for family use. (This speculative suggestion is not beyond the realms of probability, for the student in question did appear to be a local boy, whose mother is on record as having held musical soirées.) It also became clear from the loan analysis that national songs were very popular, to the extent that some appeared to go missing. Dance music was also in demand. The most popular volume (284) contained quadrilles, and is no longer extant. Did it fall apart or end up in someone's piano-stool after 1840?

St Andrews' copyright music is a rich resource for research, whether from the library history perspective, or in terms of the music being borrowed for domestic use, in a small Scottish university town in the Georgian era. Other fascinating topics, explored in other outputs for the Claimed From Stationers'

Hall network, are questions as to which music ended up being bound in particular volumes, or who some of the frequent music borrowers actually were.

The future of the collection

Special Collections has two main ambitions for the collection. The first is to identify and, where possible, reassemble all the extracted items. Collating the information from Field's catalogue and Thorpe Davie's annotated Finzi Music Score Index should produce a list of all extracted items. As the rest of the Copyright Collection is catalogued online to at least a basic level, it should be possible to trace strays which were moved from the Music sequence to the broader collection, by composer or title. For items in the Finzi Collection we will have to rely on the Finzi Index and look at volumes on the shelf. Physical attributes such as University bindings, and the University's *Ex libris* inscriptions which are found on most title pages, can confirm identification of strays.

The second is to catalogue the copyright music to full DCRM(M) standards. As seen, both the Lambert and Field catalogues do not aid researchers searching for specific titles, composers, or genres. The retrospective cataloguing undertaken in 2001-2002 for the Ensemble project partially redressed this, but only tackled about two thirds of the music, and still has room for improvement. For instance, none of the information Field noted about the date of entry of music at Stationers' Hall, or watermarks, was included under the 'Ensemble' project. Music published in the eighteenth and nineteenth centuries can also include illustrations, such as the hand-coloured lily and violet on *General Lily & Corporal Violet* (vol. 199), or the soldiers going through their drill which illustrates *Vivant Rex et Regina: a melody on the words of command of the manual exercise of the British Army* (vol. 106). Yet such attributes are not currently traced in our online records, and neither are basics such as publishers, printers, or others associated with the item (such as singers and lyricists). With some of the original volumes having been broken up and rebound, tracing their original volume number in the catalogue record would enable us to reunite virtually items no longer bound together.

Cataloguing the remainder of the Copyright music to DCRM(M) level, and upgrading the existing records, would allow much more information to be included in the records, which would aid all manner of researchers, not only those interested in music and the performance of it, but also those interested in copyright more generally, the practice of borrowing music, or art history. Historians of book production and music printing would also benefit from updated cataloguing. There is a great variety of music within the copyright collection: instructional works, solo works, sonatas, dances, marches, songs. These can all offer much to the social historian, with works composed in support of the Napoleonic wars, for example. Musicians may want to perform some of this music. Thorough cataloguing with a variety of access points

would enhance the discoverability of our records, greatly benefiting all researchers, and bring our collection into the twenty-first century.

Abstract

The University of St Andrews was one of nine UK legal deposit libraries in the Georgian era (eleven, including two Irish libraries, Trinity College Dublin and King's Inns). It stands out not only because of the extent of its surviving copyright music, but also for its supporting documentation records, concerning both the history of the copyright collection's curation, and also its use as a lending collection. The music has been discovered and re-discovered by several scholars, initially in the context of the overarching library history, but subsequently on account of the music collection's history per se, and also concerning its use by Georgian professors, students, and music-loving friends.

This article traces the history of the music collection; the various projects undertaken to catalogue its contents; the insights that can be gained by close perusal of the loan registers; and plans for the future documentation of the collection to enhance our understanding of what is there, for the benefit of a wide range of researchers, from library, book and social historians, to musicologists and practical musicians.

Elizabeth Henderson is Rare Books Librarian and Dr Briony Harding Assistant Rare Books Librarian at the University of St Andrews. Dr Karen McAulay is Performing Arts Librarian/Postdoctoral Researcher at the Royal Conservatoire of Scotland.

STATIONERS' HALL MUSIC AT ABERDEEN

Jane Pirie

The Stationers' Hall Music Collection in the Special Collections of the University of Aberdeen consists of 337 volumes containing around 1,450 individual pieces of music dating from 1753 to 1835. The collection includes songs, vocal arrangements, instrumental pieces and manuals of instruction representative of publishing in this era. Almost half of the collection has been catalogued in the University's online catalogue.¹

The collection originally consisted of loose sheet music which was bound into the present volumes sometime in the late 1800s by bookbinders Edmund and Spark in Aberdeen. The books are bound in drab quarter calf with marbled pulp boards, some of which retain their original shelfmarks and manuscript labels.² These labels indicate that the contents were at one time collected into various categories; all the volumes of music for harp, for example, appear together. Each volume is annotated with the inscription: 'Liber Coll[egii] Reg[ii] Aberd[onensis] St. Hall', indicating that it belonged to the library of King's College, Aberdeen. No printed catalogue was made of the collection and it was only in the 1990s that online cataloguing of the collection began.

The story of copyright privilege at Aberdeen is slightly different to that of the other three Scottish university copyright libraries. Until 1860, Aberdeen had two separate universities: King's College, established in 1495, and Marischal College, established almost 100 years later in 1593. When the 1710 Statute of Anne granted copyright privilege to the Scottish universities, it did not identify which of Aberdeen's Colleges was to be allocated the books. A legal contest ensued, and King's sought to prove that Marischal was ineligible to be granted copyright privilege, which naturally brought to the fore the ever-present antagonism that existed between the two colleges. King's College was ultimately successful and was awarded the copyright privilege instead of Marischal.

The music that came from Stationers' Hall to King's College appears to have been further cause for contention. The *Aberdeen Censor*, a short-lived magazine published in Aberdeen from 1825-1826, urged 'the members of

¹ The holdings can be found on the current online catalogue at: <https://www.abdn.ac.uk/special-collections/search-catalogues/catalogues-60.php>. The shelfmark prefix for the volumes is SH Mus.

² For example, SH MUS 203 was previously Volume 21 ; R². I. 30 and also has the label, 'Flute Music, III'.

Marischal College' to 'look to what has become o' the Stationers' Hall music'.³ The animosity between the two colleges which had been exacerbated by the copyright dispute was such that this publicly-aired question, casting doubt on the ability of the Masters of King's to monitor their collections, was bound to cause embarrassment.

However, it is true that much of the music received by King's College in the latter half of the 18th century is no longer present in the library. In 1997, Richard Turbet, then Music Librarian in Aberdeen University Library, transcribed from manuscript lists the titles of music deposited in Aberdeen from Stationer's Hall.⁴ These lists date from 1753 through to 1796, and contain very few titles that correspond with the current catalogued holdings of Stationers' Hall music.⁵ Evidence of what happened can be found in testimonies recorded during the visit of the Scottish Universities Commission in 1827:

'Is it the practice to sell books that come from Stationers' Hall, that are unfit for the University?' – 'In my time, it has not been the practice. I believe a little time before I came into the College the music was sold; but from the time of the new Act... we do not sell any, and we could not of ourselves do so, because our brethren in the other College have the same property in the books that we have'.⁶

These are words from the testimony of William Paul, Professor of Natural Philosophy and Librarian at King's College, Aberdeen. Although King's had been granted copyright privilege there was a caveat: students and staff of Marischal were to be granted access to the books. It was this compromise that William Paul referred to when he sought to explain why King's College had discontinued the practice of selling material thought unsuitable for a university library.⁷

After 1796 the music entries in the lists of Stationers' Hall material ceased to be listed by title and instead were noted in quantity only, for example: '9 pieces of music'. Interestingly, there are instances in the manuscript lists

³ *Aberdeen Censor*, 2 (1826) 263.

⁴ Turbet, Richard (1997) 'Music deposited by Stationers' Hall at the library of the University and King's College of Aberdeen, 1753–96', *Royal Musical Association Research Chronicle*, 30:1, 139-162

⁵ MSS K 118-119, in the University Archives list all the items deposited from Stationer's Hall. (These volumes have now been re-numbered as KINGS/5/1/8/2-3).

⁶ Great Britain. *Commission for Visiting the Universities and Colleges of Scotland. Evidence, Oral and Documentary, Taken and Received by the Commissioners Appointed by His Majesty George IV., July 23d, 1826; and Reappointed by His Majesty William IV., October 12th, 1830; for Visiting the Universities of Scotland. Volume I-IV.* London: printed by W. Clowes and Sons, for H. M. Stationery Off., 1837.

⁷ Another collection at Aberdeen that may have been considered unsuitable for a university library is a large collection of novels and prose fiction still in original publishers' boards. See: J. E. Hill. 'Minerva at Aberdeen: A. K. Newman and Books in Boards', *Romantic Textualities: Literature and Print Culture, 1780–1840*, 16 (Summer 2006).

where a price is placed beside the entries for music, which could perhaps be taken as evidence of sale.

There is no record of the sale of any music in the University Archives, although there was a potential market for both music appreciation and participation in Aberdeen at the time. The Aberdeen Musical Society, established in 1748, met once a week until it disbanded in 1806.⁸ Originally formed solely for private music making, the Society also held a number of public benefit concerts over the years and had a library and a stock of music and instruments for the use of members. The Society attracted the patronage and participation of a 'high-class' clientele including local landed gentry and many of the professors of both Colleges. In 1806 the instruments, music and other property were deposited at Marischal College. Ironically, in light of what had been said in the *Aberdeen Censor* about King's care of the Stationers' Hall Music, none of this can now be traced.⁹

Another source to gauge what music was available to the population of Aberdeen is the catalogue of Alexander Brown's Circulating Music Library.¹⁰ This catalogue lists over 2,000 items collected by arrangement, instrument and vocal range. Little of this music was published in Scotland as most of it came from London and Stationers' Hall. There is notable overlap between the content and even arrangement of Brown's catalogue with the music listed in the King's College manuscript lists. However, to suggest that Brown purchased any of the Stationers' Hall music from the University is, without any evidence, only conjecture.

Much work remains to be done on the Stationers' Hall Music Collection. The first and obvious task is to complete the cataloguing of the remaining half of the collection so that a more comprehensive survey of the content and scope can be made. Comprehensive cataloguing would include analysis of annotations and markings as evidence of use. Afterwards, it is hoped that the collection will become a major research source. The collection can be viewed in the wider context of music in Aberdeen at the end of the 18th and early 19th centuries. It would seem unlikely, that such a collection, providing a rich source of contemporary music, would have gone unused. The Musical Society of Aberdeen, as we have seen, was a thriving institution and the existence of catalogues such as that of the Aberdeen Musical Circulation Library reflect just how much of a role music and musical performance played in the cultural life of Aberdeen.

⁸ Further information about the Aberdeen Musical Society can be found in Farmer, Henry George. *Music making in the olden days: the story of the Aberdeen concerts, 1748-1801*. London: Peters-Hinrichsen Edition, 1950. The minute books of the Society are held in Aberdeen Central Library.

⁹ Only a painting of St Cecilia and a cello belonging to the philosopher James Beattie are present today in the University Museum Collections, ABDUA:30252 and ABDUA:17669.

¹⁰ Brown, A. *A catalogue of the Aberdeen Musical Circulating Library, comprising an extensive collection of vocal and instrumental music, by the most eminent composers, antient and modern*. Aberdeen: A. Brown, [1805?]

Additionally, such a collection gives an insight into music publishing, music in society, and indeed wider cultural life during the period, and so this brief article ends with a plea: that the collection be used for study, research and, hopefully, for performance.

Abstract

The musical taste of middle-class Aberdeen in the late eighteenth and nineteenth centuries is reflected in the Stationers' Hall Music Collection, held by the University of Aberdeen. The acquisition and care of the collection, however, became a focus of tension, created by the disputed right of legal deposit between Aberdeen's two universities.

Jane Pirie is Rare Books Curator in the Department of Museums and Special Collections at the University of Aberdeen and has worked with the collections for over 25 years. In addition to cataloguing, she specialises in provenance and bindings.

(DIS)CLAIMED FROM STATIONERS' HALL: THE CASE OF TRINITY COLLEGE DUBLIN

Roy Stanley

Following the Act of Union in 1801 which united the two separate kingdoms of Great Britain and Ireland, the Copyright Act of the same year (41 Geo III c.107) extended copyright protection to Ireland and designated two Dublin institutions as legal deposit libraries: Trinity College Dublin [TCD] and King's Inns.¹ In 1802 Trinity College appointed the publishers and booksellers Cadell and Davies as their agent in London, and the first delivery from Stationers' Hall was recorded in the library minute book on 10 August 1802.²

From the start the library took a selective approach to legal deposit receipts. Some items recognised for their academic value were immediately catalogued and placed in the library; others received in sheets were sent for binding. The Librarian, John Barrett, sent others to the Provost for inspection; some of these were selected for the library, but in 1802 at least one book rejected by the Provost was sent to the college bookseller to be sold, with the proceeds to be credited to the college account.³

The first reference to music received from Stationers' Hall appears in the library minute book on 27 November 1811: 'Put up into Ms. Room in the press in the N.W. angle, all the music sent in from Stationer's [sic] hall at various times & lying in the Libr. Room.'⁴ There is a similar account in July 1815: 'Dr. Nash sent in one large basket full of books and four very large bundles. They were all left in the Ms. Room on the table until a list of them could be made out & entered in this book.'⁵ And twelve days later: 'Put up in Press L in the Ms. Room the music sent in on 15 July in the parcels that day recd. from Stat. Hall.'⁶

¹ Apart from the archival sources referenced in the footnotes below, material for this article is drawn principally from two published works: Kinane, Vincent, 'Legal deposit, 1801-1922' in Kinane, V. & Walsh, A. *Essays on the history of Trinity College Library Dublin*. Dublin: Four Courts Press, 2000; and Fox, Peter, *Trinity College Library Dublin: a history*. Cambridge: Cambridge University Press, 2014.

² TCD MUN/LIB/2/1, 10 August 1802.

³ TCD MUN/LIB/2/1, 19 October and 18 December 1802; Fox, p. 132. John (Jacky) Barrett was Librarian 1791-1821, with gaps of one year each in 1808-09 and 1813-1814.

⁴ TCD MUN/LIB/2/1, 27 November 1811.

⁵ TCD MUN/LIB/2/2, 15 July 1815. Dr Richard Nash was appointed Assistant Librarian in 1807.

⁶ TCD MUN/LIB/2/2, 27 July 1815.

These entries show that Trinity College received some music from Stationers' Hall in the early years of legal deposit, and that it was stored in a press in the manuscripts room. This music does not appear to have been added to the library catalogue (at that time maintained in manuscript form), and no trace of it has been found listed in the later consolidated printed catalogue, published in 1872.⁷

An explanation for the dearth of early deposits of printed music is found in a submission to a Parliamentary Select Committee on legal deposit written by Barrett on 3 July 1817:

*I beg leave to submit to their Lordships the Commrs. of his Majesty's Treasury, that the instructions of this Coll. to their agent in London have been to claim neither music, novels nor school books. And that these instructions have been very generally attended to. And that of the books received a considerable part have been bound and placed in the public library. And that the remainder consisting of imperfect works or such as there occurred some difficulty in determining upon the propriety of placing them in the public library are in the custody of the Librarian, none having been disposed of, either directly or indirectly.*⁸

If, as stated by Barrett, it was library policy at this time not to claim music publications, it is not clear how long this instruction remained in force. The library minutes provide hints that by the 1830s some music was again being deposited. On 17 November 1836 the warehouse keeper at Stationers' Hall was sent a list of books that had not been supplied to the agent. A note at the end states: 'The music is not included in this list', though in fact the list does contain one music publication: *Souvenir du Montferrat* arranged by T.H. Wright.⁹ A year later, in an entry for the 'price of books received in 1837', a valuation of £68 12s 6d is placed on 'music recd. from May to Decr. 1837'.¹⁰ More specific evidence is found in two handwritten lists of 'music sent to Trinity College Dublin' in October 1859 and September 1860.¹¹ The 1859 list contains 335 items (all ticked off), while the 1860 list has 563 items (one crossed out).

This apparent change of policy may reflect the influence of James Henthorn Todd, Assistant Librarian 1834-1850 and Librarian 1852-1869. As well as reforming library procedures, Todd developed a much more active

⁷ The earliest music items so far discovered in that catalogue were published in the 1840s.

⁸ TCD MUN/LIB/2/2, 7 July 1817. There must be some doubt about the full reliability of these assertions, given the evidence that at least one book received in 1802 was consigned for sale.

⁹ TCD MUN/LIB/2/3, 17 November 1836.

¹⁰ TCD MUN/LIB/2/3, December 1837.

¹¹ TCD MUN/LIB/22/16 and TCD MUN/LIB/22/17.

approach to pursuing claims under legal deposit.¹² Additionally, in his role as a member of the college board he showed an interest in music: in 1839 he recommended the purchase of ‘two ancient Manuscripts of Church Music’,¹³ and for many years he appears to have been responsible for arranging the attendance of choristers in the college chapel.¹⁴

In spite of these fleeting references, the collections show almost no sign that music received from Stationers’ Hall in this period was catalogued and retained. A few items contain handwritten accession dates which are reasonably close to the dates of publication. We may speculate that these might have come from Stationers’ Hall, but as Trinity College did not use special stamps or accession lists to record provenance it is impossible to say with any certainty:

Joseph Haydn, *The seasons* (C. Lonsdale, 1840). Accession date: October 1841. [Shelfmark P.b.28]

Samuel Arnold, *Cathedral music*, ed. E.F. Rimbault (D’Almaine & Co., 1843). 3 vols. Accession date: January 1849. [Shelfmark Q.aa.2-4]

Joseph Haydn, *The creation* (Sacred Music Warehouse : J. Alfred Novello, 1859). Accession date: May 1869. [Shelfmark: Gall OO.15.15]

Felix Mendelssohn, *Original compositions for pianoforte solo* (Novello, Ewer & Co, 1872). 4 vols. Accession dates: Vols. 1-3: March 1872; Vol. 4: March 1887. [Shelfmark: Gall OO.14.36-39]

On the other hand, fifteen volumes of Handel Society editions published by Cramer, Beale & Co. between 1843 and 1857 have an accession date of June 1874 [Shelfmarks: Gall PP.14.1-15]. Were these received through legal deposit and stored uncatalogued for over twenty years? Similarly, a set of parts for Rousselot’s edition of Beethoven string quartets published by R. Cocks & Co. in 1846 have an accession date of October 1870 [Shelfmarks: Gall OO.14.24-27].

These are rare examples of music scores added to the main library collection in the nineteenth century. Not until the late 1870s was sheet music routinely retained: large quantities of printed music from that decade onwards survive, though much of the earlier material remains uncatalogued (systematic cataloguing of printed music did not begin until the 1950s). The library’s general treatment of music is outlined in an entry in the library minute book for 1902:

¹² Fox, pp. 167-173, 192-195.

¹³ TCD MUN/V/5/7, p. 246, 23 December 1839.

¹⁴ O’Shea, David, ‘The choral foundation of the Chapel Royal at Dublin Castle, 1814-1922’. PhD thesis, Trinity College Dublin, 2019. Vol. 1, pp. 142-3. Todd may also have played a part in the appointment of John Smith as Professor of Music in 1847; soon afterwards he was presented with an elaborately decorated volume of Gregorian chants arranged by Smith (TCD MS 2025). I am grateful to David O’Shea for generously sharing his research on Todd and Smith.

*A cellar has just been shelved in the Museum Building to receive the volumes of Patents Specifications now in Library Attic. . . . They are now to be moved to the Museum Building Cellar so as to leave the shelves they occupy in the Attic free to receive unbound music. Up to the present, with the exception of some scores and other vols of music selected on no system, the music retained by the Librarian as suitable for preservation has not been catalogued but stored in Press E of Classing Room & other places. It is now proposed to sort this music into groups on the long shelves in the Attic.*¹⁵

A few days later it is recorded that 'Mr. Dobbin, with Dr. Abbott's permission, began this grouping and spent about a fortnight at it.'¹⁶

This account highlights two key factors influencing library policy throughout this period: a shortage of storage space, and a selective approach to the retention of some publications received through legal deposit, apparently based on a short-term evaluation of their academic worth. Though there is some evidence that the library recognised its responsibility to preserve publications for future generations,¹⁷ pressure of space ensured that the same materials rejected in 1817 – novels, school textbooks and music – were still considered dispensable right up to the 1920s. The library minutes contain numerous accounts of novels being sent in large quantities to local hospitals and workhouses, and to the armed forces in local barracks and overseas during conflicts in South Africa and Europe. School textbooks were sent to a local school, and for use by prisoners of war.¹⁸

Some materials, including music, were disposed of with even less respect. In 1896 two workers were employed to sort documents, mostly Indian papers and patents. Over a period of four months they sent 170 sacks of waste paper to Drimnagh Paper Mills for pulping, and it is probable that this included legal deposit items.¹⁹ In 1917-18, over 10 tons of patents and other materials were sold as waste paper.²⁰ The Assistant Librarian's report for the year 1916/17 confirms that music was included in this disposal:

All the unsorted music which was filed in the West Attic under the western slope of the roof was carried down to the Newspaper Room, and there sorted by the Librarian. Several sacks filled with separate band

¹⁵ TCD MUN/LIB/2/7, 30 January 1902.

¹⁶ TCD MUN/LIB/2/7, 4 February 1902. Thomas Kingsmill Abbott was Librarian 1887-1913.

¹⁷ For example, in 1863 J.H. Todd, wrote: 'I do not allow the question of the utility or the merit of a publication to interfere with our right to it.' Letter to the Ordinance Survey, TCD MUN/LIB/2/4, 11 February 1863.

¹⁸ TCD MUN/LIB/2/7, 8 July 1897 onwards; Kinane, p. 132; Fox, p. 269.

¹⁹ TCD MUN/LIB/2/7, 21 September- 8 December 1896; Kinane, p. 132.

²⁰ TCD MUN/LIB/2/7, 21 November 1918; Fox, p. 270.

*parts and music-hall rubbish were sent to the wastepaper merchant. Full scores were put in Dr Todd's cabinet in the Librarian's Room.*²¹

While an academic library's disdain for unwanted 'band parts and music-hall rubbish' a century ago is easily understood, the reasons for TCD's broader lack of interest in music are less obvious. Why, in 1917, should the library still be following the same procedure in dealing with music scores as it had in 1815 – storing them uncatalogued in a cupboard in the Librarian's Room or Manuscripts Room? The simple explanation is that there was no formal music tuition in the university throughout this period. Though Trinity College appointed its first professor of music – the Earl of Mornington – in 1764, the chair remained vacant from his resignation in 1774 until the appointment of John Smith in 1847. Smith was succeeded by Robert Prescott Stewart (1862-1894) and Ebenezer Prout (1894-1909). These professors were only required to conduct and supervise examinations for music degrees, and deliver occasional public lectures. Stewart and Prout progressively elaborated the curriculum (as published annually in the university calendar), but at this time Trinity, in common with Oxford and Cambridge, did not offer degree candidates any practical or theoretical musical instruction. Instead, candidates prepared through private tuition or at independent teaching institutions such as the Royal Irish Academy of Music.²² Thus, unfortunately, the library had no incentive to develop its music holdings until this became necessary during the course of the twentieth century, as the status and rigour of music degrees gradually improved.

It remains a matter of regret that, for practical and academic reasons, throughout the nineteenth century Trinity College Dublin neglected its capacity to develop a strong music collection through legal deposit. Though mitigated to some extent by the purchase of Ebenezer Prout's personal music library in 1910, this lost opportunity has deprived the college of what would undoubtedly have been an important legacy collection.²³

²¹ TCD MUN/LIB/17/157.

²² Parker, Lisa, 'The expansion and development of the music degree syllabus at Trinity College Dublin during the nineteenth century' in *Music and institutions in nineteenth-century Britain*, ed. Paul Rodmell. Farnham: Ashgate, 2012, pp. 143-160.

²³ The Prout Collection, rich in music scores and theoretical works published during the nineteenth century, is currently being catalogued online. When this project is completed in 2020 the entire collection will be searchable at <https://www.tcd.ie/library/>.

Abstract

Though the legal deposit privilege was extended to Trinity College Dublin in 1801, for most of the nineteenth century the library failed to recognise the value of adding music publications to its collections. This was partly because music, along with novels and school textbooks, was regarded as ephemeral material, and storage space was limited. The university did not offer music tuition: degree candidates prepared independently for music examinations. There was therefore no immediate incentive for the library to preserve music materials, resulting in a regrettable gap in its legacy collections.

Roy Stanley is Music Librarian at the Library of Trinity College Dublin

THE ONES THAT GOT AWAY: SION COLLEGE AND KING'S INNS

Karen E. McAulay & Sile O'Shea

As is common knowledge, the Statute of Anne (1710) established nine legal deposit libraries in the United Kingdom, and the number rose to eleven with the addition of Trinity College Dublin and King's Inns following the Act of Union in 1801.

Readers closely following the various narratives within the present issue of *Brio*, not to mention Macdonald and Quarmby Lawrence's two earlier articles about music in Edinburgh University Library,¹ might have noticed that two institutions have hitherto gone unmentioned: Sion College, effectively a social club for the clergy in London, and King's Inns law library in Dublin. Effectively missing pieces in the puzzle, they deserve a mention if only because they are part of the picture on the jigsaw box lid!

Sion College was founded in the City of London in 1629.² Its library was understandably heavy in theological materials, but it did have a broader scope as well, and – like all the legal deposit libraries – it was entitled to claim publications from Stationers' Hall until 1836. Although the institution survives to this day, the library closed in 1996 due to financial exigencies, transferring surviving holdings to Lambeth Palace Library, amongst others. (Post-1850 books are mostly in King's College Library.)

So, did the clergy have the use of legal deposit music at Sion College during the Georgian era? The truth of the matter is that nobody knows. In the first place, financial difficulties led to the sale of Sion College library holdings from time to time, to raise funds. It is unlikely that piles of sheet music would have raised much cash, but we do not even know if they claimed any music to start with. Suffice to say that Lambeth Palace Library has virtually no music holdings from this era, unless any survives on an uncatalogued shelf. The

¹ Alistair Macdonald and Elizabeth Quarmby Lawrence, 'From General Reid to DCRM(M): Cataloguing the Music Collections of Edinburgh University Library. Part 1, The Early Reid Professors and the First Catalogues, 1807-1941', *Brio*, 55.2 (2018), 27–49; Alistair Macdonald and Elizabeth Quarmby Lawrence, 'From General Reid to DCRM(M): Cataloguing the Music Collections of Edinburgh University Library. Part 2, Professional Librarians and Automation, 1947-2019.', *Brio*, 56.1 (2019), 62–83.

² My thanks to Hugh Cahill (Senior Librarian) and Ken Gibb (Rare Books Cataloguer) for hosting my visit to Lambeth Palace in 2016. I have also drawn information from a folded brochure published by the Museums Libraries Archives Council, 'Sion College Collections: Access for All'.

Palace will be opening their new library building in 2020. It would be delightful, but perhaps unexpected, if some Georgian music were to rise to the surface in the transfer between buildings.

Moving on to King's Inns in Dublin, it was a legal deposit library for almost 40 years, from the Copyright Act of 1801 until 1836. One might conjecture that King's Inns Library might reasonably have employed the same London agent as Trinity College Dublin, to claim their copyright entitlement. Roy Stanley has generously outlined the position with regards to music in Trinity College Dublin, explaining that music did accumulate circa 1811, but that their agent had been told not to claim it by 1817. However, whilst the two institutions might have used the same agent, we cannot conjecture that the instructions would have been the same. (Indeed, the Advocates' Library in Edinburgh certainly did keep music, irrespective of their legal focus.)

The archives of the King's Inns contain listings of books that were sent from Stationers' Hall from 1817 to 1836, though these listings are incomplete, with the time-period from 1822 to 1831 not included. With regard to the relatively small amount of music material from this era which survives in the King's Inns Library today, there is no evidence of it having come via legal deposit. It is possible that the library received this material through donations from Stationers' Hall, showing a particular interest in acquiring ballad opera libretti (with volumes bound as 'Plays', 'Plays and Farces', 'Operas' and 'Dramatic Tracts'), national minstrelsy poetry as well as some national song music scores. Since King's Inns Library regularly received donations of books from former library users, one cannot rule out that any early nineteenth-century music holdings could have come from that direction, rather than by legal deposit, there being no real evidence to support either eventuality.³

Abstract

Two smaller libraries which held the legal deposit privilege during the Georgian period, Sion College in London (from 1710) and King's Inns in Dublin (from 1801) are often forgotten in the narrative of legal deposit. This short article acknowledges their existence but recounts that it is unclear whether music ever made it into their collections under legal deposit.

Dr Karen McAulay is Performing Arts Librarian/Postdoctoral Researcher at the Royal Conservatoire of Scotland. Sile O'Shea is Assistant Librarian of King's Inns Library

³ Additional thanks are due to Renate Ní Uigín, Librarian of King's Inns Library, for her generous interest in the work of the 'Claimed From Stationers' Hall' network.

SKULDUGGERY IN ST. MARTIN'S LANE: A NASTY CASE OF PIRACY?

Margaret Jones

One dark night, or so the story goes, a publisher, who had crossed the local book-trade, threw his innovative music type into the Thames, hopped onto a boat bound for his native Sweden, and was never seen in Britain again. The truth is not, I believe, quite as dramatic as that, but it was nevertheless an important moment in the history of copyright; and it remains a mystery, as to exactly what happened.

I first came across Sami-born printer and publisher, Henric Foug, also known as Henry Fought (1720-1782), when the Music Department at Cambridge University Library acquired a set of harpsichord sonatas by Giuseppe Sarti, published in London by Foug, in 1769. At the time, we were about to start a new departmental blog MusiCB3 (which has just celebrated its ninth birthday); lacking title and final pages, and with an unusual typeface, this slightly scruffy item seemed like an interesting post with which to start the blog.¹ As I delved deeper into Foug's history, I found a tale of innovation and piracy that continues to surprise me; and which reveals much about the cut-throat world of music publishing in the eighteenth century.

Foug's early working life was spent as a mines inspector in Sweden. His father, a rural dean, was friendly with Carl Linnaeus, the botanist, who had once lodged with the family, and this inspired Foug junior to write a paper about the corals of the Baltic Sea, while at the University of Uppsala.² His skill in engraving is immediately evident in the illustrations that accompany the dissertation, and indeed Richard Pulteney's overview of Linnaeus' *Amoenitates academicae*,³ of which Foug's dissertation provided a chapter, makes special mention of the 'excellent engraving'.

An increasing interest in printing and type founding, and a judicious marriage to Elsa Momma, daughter of Peter, the owner of the prestigious Royal Printing Company (*Royal Tryckeriet*) in Stockholm, enabled Foug to turn his hobby into a career. Having studied the new system of movable type developed by Johann Gottlob Immanuel Breitkopf, which had been made public

¹ (Jones 2010)

² (H. Foug 1745)

³ (Pulteney 1781)

in 1755, Fougst realised that there was a potential market for cut-price music. He produced a cheaper version of Breitkopf's musical type, with some new additions utilising multiple pieces of type to create each note, and in so doing aiming for more clarity in the music that he published.⁴ The Swedish Academy of Sciences was generally enthusiastic: Fougst appeared to have resolved some problems with the Breitkopf type; and, crucially, the Academy concluded that Fougst's invention might mean, 'that [Sweden] may . . . share with Leipzig the profit which that city alone obtains from the whole of Europe, for printed music, and for the general expansion of our book trade.'⁵ They therefore backed his request in 1764 for an exclusive privilege to print music in Sweden thus the way forward seemed clear for Fougst.

However, family difficulties were to precipitate a move to London. These difficulties included an attempt by Fougst to undercut Peter Momma, his own father-in-law, who was printing money for the Swedish Exchequer. Further, when an application by Fougst to become printer to the monarchy was rejected, he applied, in some umbrage, to leave the country, and arrived in London in November 1767. Despite the family troubles, Momma, supported Fougst in his overseas travels, helping to pack his son-in-law's type and arranging various other formalities. Perhaps it is not too surprising that in the circumstances the father-in-law was only too happy to, quite literally, send his difficult son-in-law packing.

As soon as Fougst arrived in England he applied for a patent to print music in which he states that although the basic idea of a movable type for music was nothing new, his was special in that it aimed for particular clarity using several pieces of type to print just a single note. Typically individual stave lines were assembled with the head of the note, where needed, and a portion of the stem, tail or beam in addition. This had been inspired by the way in which small flower heads were set in type, using a similar method to assemble the florets. On Christmas Eve 1767, English patent no. 888 was issued to Henry Fougst [sic] for 'Certain new and curious types by me invented, for the printing of music notes as neatly . . . as hath been usually done by engraving . . .'⁶

⁴ (H. Fougst 1767)

⁵ (Wollin 1943). Edmund Poole's research notes, held at Cambridge University Library, about Fougst and his new music typeface, some of which fed into Poole's research for 'New Music types: invention in the eighteenth century', *Journal of the Printing Historical Society*, 1965, were an early inspiration for this article. Particularly helpful were the translations from the Swedish of Wollin and Vretblad.

⁶ (H. Fougst 1767)

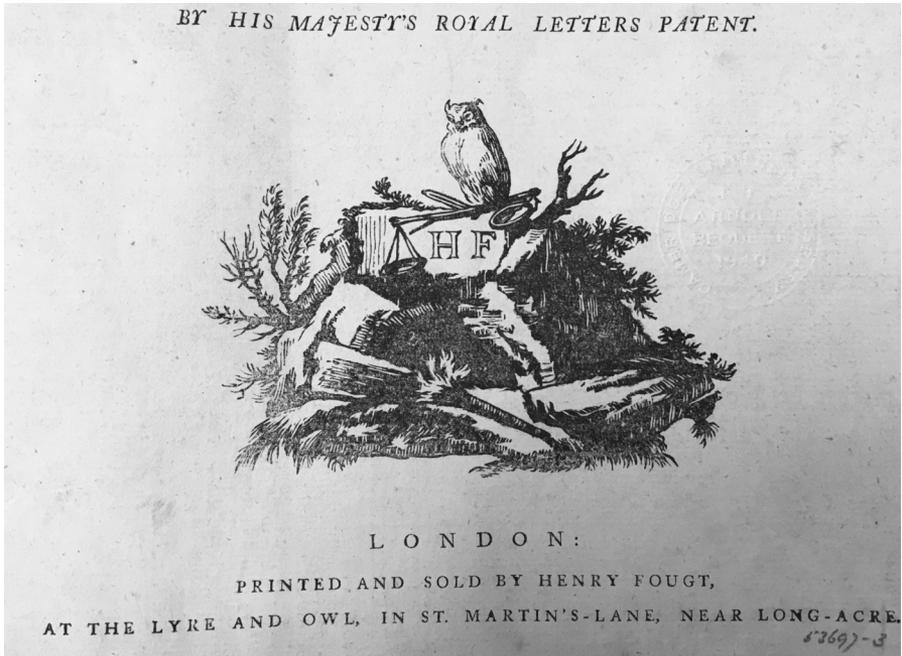


Fig. 1: At the sign of the Lyre and Owl. Henric Fougts distinctive colophon.

The patent reveals that Fougts was then living in Salisbury Court, just off Fleet Street, and it would appear that he quickly made friends there. A Mr. Thrush at the King's Arms later sold Fougts's publications in Salisbury Court, while Robert Falkener, music publisher, sometime harpsichord counterfeiter, and later associate of Fougts, also lived in the Court.

It is not clear exactly what Fougts did during 1768 but it is probable that he spent time perfecting his type. The first mention of him in the British press is in the *St. James's Chronicle or the British Evening Post* dated January 21st-24th 1769, very shortly after he had submitted a specimen of his type to the Society for the Encouragement of the Arts, based in the Strand. They were enthusiastic about it: 'a gentleman of real ingenuity. Which type the Society have found, upon examination, to merit their entire approbation'.⁷ Fougts was immensely proud of the Society's recommendations and used their comments as a frontispiece to his publications (see Fig 2).

⁷ (*St. James's Chronicle, or the British Evening Post* January 21-24, 1769)

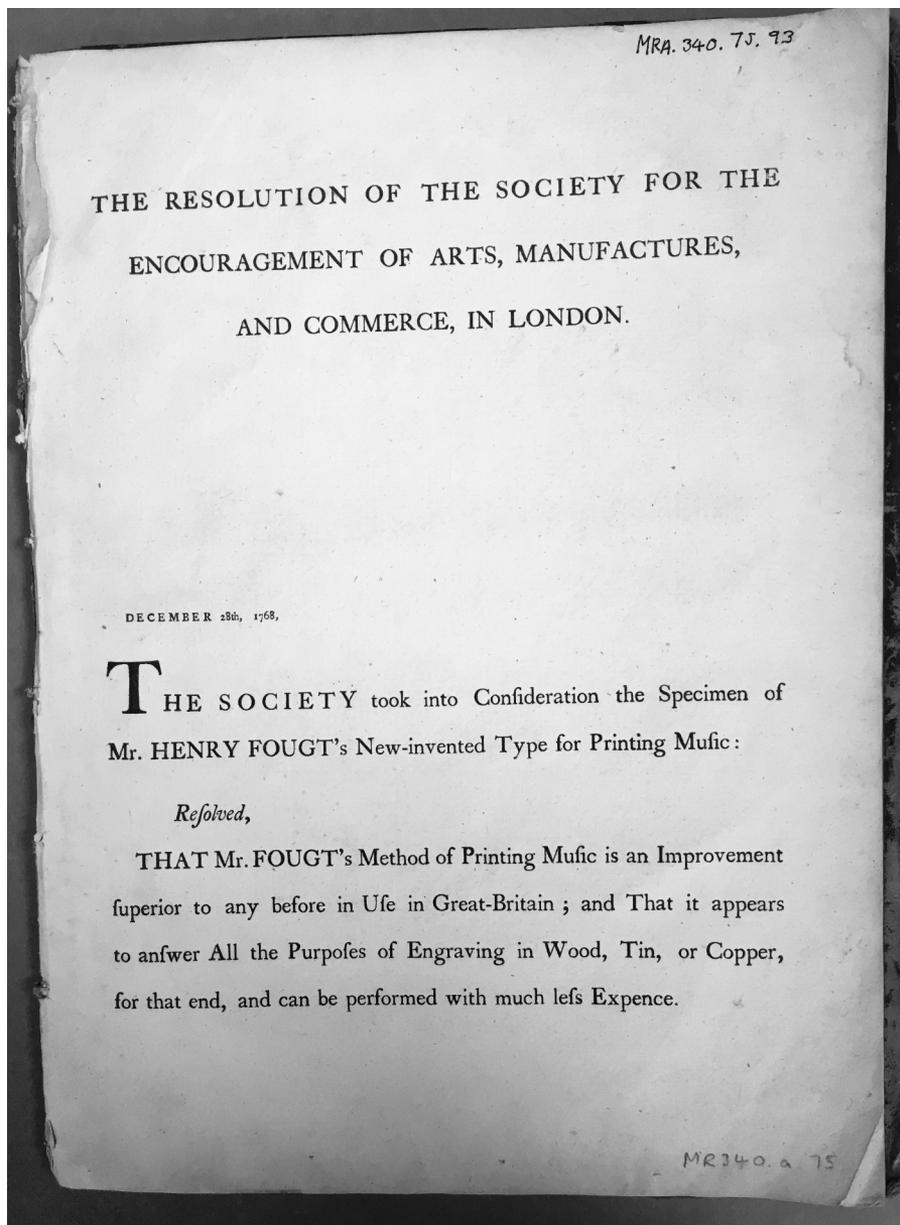


Fig. 2: Frontispiece to *Three Sonatas by Sarti*.
Published: London: Foug, 1769.

This probably did not endear him to his British rivals, who had been advertising their old-fashioned type as a ‘new model’ for some time. The mention of cheaper music must also have alarmed them.

In 1768-9, Fougts moved to St. Martin’s Lane, next door to the ‘New Room’ which was used for fine arts exhibitions. The exact location of his shop is uncertain, but the exhibition space was most probably the same location used by Nathaniel Hone to exhibit his popular painting, *The Conjuror*, in 1775, which would place Fougts next door to No. 70, St. Martin’s Lane, opposite Slaughter’s Coffee House,⁸ near the corner of St. Martin’s Lane and Garrick Street. The Lane was a prestigious area – the young Mozart had stayed at nearby Cecil Court in 1764, while Chippendale, the fashionable furniture makers, had their offices and workshops there. It was an area popular with artists in which to live or work, including portrait painter Sir Joshua Reynolds, and there was a thriving print trade in everything from music and maps to seditious pamphlets.⁹

It was here, at the sign of the Lyre and Owl, that Fougts sold his own editions of sonatas by Sabatini, Menesini, Uttini, and the aforementioned Sarti, alongside music stationery, and, occasionally, instruments. Items printed by Fougts were also sold in shops across London and the south of England from Oxford to Southampton. His novel type enabled him, as he had promised, to produce competitively priced music – for example Sarti’s Three sonatas sold for just two shillings, while the most expensive set of sonatas, the Six sonatas of Uttini, sold for four shillings.

Fougts’s career may be followed in the newspapers of the time, and it is from these that the Sarti held at Cambridge University Library can be dated almost exactly. The Sonatas were advertised in the *Gazeteer and New Daily Advertiser* of 11 February 1769 as freshly published, but Fougts’s enterprise was in trouble by August that same year, so we can be reasonably confident that the CUL edition was printed some time between those two months.

By April 1769, as well as the sonatas, Fougts was printing songs and ballads at a low price, usually from as little as 1^d per page. It is not known how many of these he produced himself as these prints lack his distinctive colophon, and sometimes his name, but he was certainly responsible for several variant editions of *The ballads sung by Mr. Dibdin this Evening at Ranelagh: and a Conclusion Piece*. The distinctive style of Fougts’s treble and bass clefs is unmistakable. Priced at just two shillings, it was good value for its 24 pages. Other composers published at a competitive price by Fougts included Thomas and Michael Arne, James Hook, James Oswald, and William Boyce.

After working with Charles Dibdin, one of the foremost stars of his age,

⁸ (The *Gazeteer and Daily Advertiser* 1775)

⁹ Noted map engraver and publisher, William Faden, was based in St. Martin’s Lane, as was T. Baldwin, who published pamphlets in support of John Wilkes.

who was rapidly in the ascendant following his performance as the West Indian servant, Mungo, in his opera *The Padlock*, Fougat must have felt optimistic for the future of his business in Britain. He appeared to be an innovative businessman, on the verge of success, and, judging by the title page of a copy of the Dibdin ballads, an honest tradesman, 'This book is entered at Stationers Hall, and whoever presumes to reprint any part of it will be prosecuted. Printed for the composer and sold at his house in Chelsea – at the printer's, H. Fougat, the Lyre and Owl, St. Martin's Lane . . .'

In light of this solemn warning and following this promising start, what was to happen next was unexpected. In July 1769, an advertisement appeared in *The Public Advertiser*, alleging that songs from *The Padlock* had been pirated. Engraver and music seller, Henry Roberts, had already paid costs, presumably to cover legal fees, while Fougat, the printer of the allegedly pirated work, had been threatened with prosecution.¹⁰ Isaac Bickerstaffe, the librettist, to whom Dibdin had sold the musical rights to the work, brought the prosecution; and a further advertisement in September 1769, showed that the case was ongoing, as Bickerstaffe threatened 'one HENRY FOUGHT [sic], a foreign music-printer . . . and . . . SAMUEL FORES, a stationer' with prosecution for pirating further songs from *The Padlock*."

A warning to other music printers and sellers follows in the advertisement that lies just below the September caution:

*. . . Whereas one of the songs . . . has been lately pirated . . . the Publisher hopes that the Gentlemen in the Musical Business will discountenance this Attack on private Property, as there is a suit now commenced against the Printer and Publishers of the above Songs, which by its being vigorously prosecuted may establish a precedent of the utmost utility to the trade in general.*¹¹

The chain of subsequent events is unclear, but following Bickerstaffe's threats, advertisements for Fougat's publications diminish, and then disappear. It would seem unlikely that Dibdin had turned on his printer. Equally, as Bickerstaffe had made a fortune from *The Padlock*, one wonders what prompted the prosecution. However, a significant amount of unsold music was found among Fougat's effects when he died;¹² it lacked his colophon (as did many of the songs and ballads he published) but was in his distinctive type. Could this be proof that the songs and ballads were indeed pirated editions, which he was unable or unwilling to sell following Bickerstaffe's threat? If this was so, and Fougat was indeed guilty of musical piracy, why was the case never

¹⁰ (Public Advertiser July 20, 1769)

¹¹ (Public Advertiser September 23, 1769)

¹² (Wollin 1943)

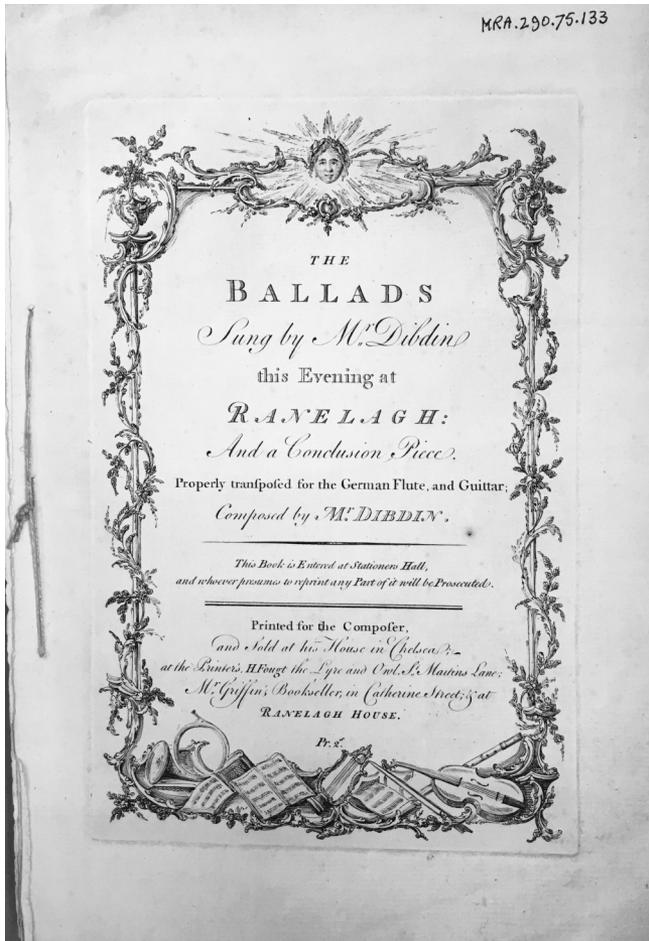


Fig. 3: One of Foug's publications of Dibdin's popular ballads, as sung at Ranelagh Gardens.

pursued to a conclusion? There is evidence that Bickerstaffe was fully intending to prosecute Foug – though strangely the bill of complaint against him was not lodged until November 1769, in contrast to that against Roberts, lodged in the same month as the newspaper advertisement. After November however, there is no further legal action.¹³

The wording of the advertisement ('A foreign music printer') suggests

¹³ (Small 2011)

that the prosecution was inspired as much by xenophobia as by a genuine fear of piracy – much is made of Fougts' status as a foreigner. It is also possible that he was an easy scapegoat for wider problems within the music industry.

Prior to the 1770s, there were very few music copyright lawsuits.¹⁴ Indeed copyright generally in the period was a tricky issue (as it still is). There had been disagreement generally as to how long copyright could be extended, who owned copyright in a work (the author? the publisher? the printer?), and even whether there was such a thing as intellectual property. Indeed, there was no term for this concept. Hardly surprising then, that piracy, especially in the musical world, was endemic, and, to a certain extent, encouraged, as it popularised works leading potentially to more sales.

However, a lawsuit, which was finally resolved in April 1769, *Millar v Taylor*,¹⁵ may have encouraged Bickerstaffe to take action. In 1729, Andrew Millar, a bookseller, had bought the rights to James Thomson's poem *The Seasons*. When the rights elapsed a publisher, Robert Taylor, printed his own edition, and was prosecuted by Millar. It was a divided judgement, but the decision by the Bench was for the plaintiff stating that the author held the rights in perpetuity.

Bickerstaffe must have seen possibilities in this ruling. He may have been inspired by the actions of composer and colleague, Thomas Arne, one of the few musicians up to this time, who had been involved in a copyright dispute.¹⁶ Arne had taken music sellers, Henry Roberts and John Johnson, to court in 1741 for publishing pirated copies of his music, and had won an injunction that stopped them publishing. Doubtless it was his connection with the earlier case that led Henry Roberts to not attempt to appeal against Isaac Bickerstaffe's accusation, when he was charged again in 1769 along with Henric Fougts.

Fougts decided to try to sell the music via another music stationer but, with further threats to Fores and the lodging of Bickerstaffe's complaint, he decided it was time to leave. There is no indication that he was still in business by the end of 1769 but it was to be nearly a year later before Fougts returned to Sweden, having given up on the dream of running a music business in the United Kingdom.

It is here that the story of the printer and his type diverge, which made me wonder exactly what had happened. The tale of the type thrown into the Thames seems unlikely – after all, the Swedes had been relatively enthusiastic about Fougts' invention and it was an important part of his livelihood. However, after he left the United Kingdom, no more music is published by Fougts;

¹⁴ Ibid.

¹⁵ (*Millar v Taylor* 1769 n.d.)

¹⁶ (Small 2011)

and although a large quantity of type, much of it English, was listed following his death in 1782, there is no specific mention of music type,¹⁷ though there were 220 music matrices at his foundry, from which type could presumably have been cast.¹⁸ It is generally assumed that on leaving London, he left, or sold, all his type to fellow music publisher, Robert Falkener (also spelled Falconer),¹⁹ but there are some questions about this, not least the connection between Falkener and Foug, prior to Foug leaving the United Kingdom.

It is known that, by 1770, Robert Falkener had taken over a business that was remarkably similar to Foug's, using much of the same type (though not exclusively of Foug's design) and was selling a similar range of songs and ballads successfully from an address in Salisbury Court. Attentive readers will note that Foug had initially lived in the same street, so it is likely that the two printers had known each other for some time. In both cases, their businesses ran into problems with the law around 1769-1770, and it is not clear, whether this was potentially a case of thieves falling out, if Foug was duped, or even framed, by Falkener, or if it was a simple coincidence.

Both businesses seem to have had a shady side. As John A. Parkinson speculated, there was something rather strange about the business at the Lyre and Owl.²⁰ Alongside Foug's popular music business, featuring the hits of the day, he published a more serious keyboard music catalogue, which included a large number of little-known composers. Foug was a keen musician and his music library upon his death included many unpublished music manuscripts, as well as printed sonatas by Bach and Haydn.²¹ (He also owned a harpsichord, a piano, and an Amati violin.) Given such items, it is perfectly possible that he was one of those music publishers who delights in championing new music.

However, it does seem odd that out of seven works published at his own expense in London – sonatas by Sabatini, Menesini, Uttini, Leoni, Sarti, Nardini, and Croce – only three of the composers were ever published outside the small world of Foug's publishing house. Of the others, there is no trace in music literature, and only a fragile trace of a Giacomo Croce, music copyist, and occasional composer, in Paris around this period. These 'originals from a select private collection', as Foug phrases it,²² were presumably taken from the publisher's own personal collection of musical favourites. Although

¹⁷ (Wollin 1943)

¹⁸ *Ibid.*

¹⁹ (Vretblad 1958)

²⁰ (Parkinson 1980)

²¹ It is unknown, which Bach was responsible for the sonatas found among Foug's effects. The most likely candidate would be Johann Christian, who Foug may have met during his time in London. Both men were involved in music publishing. Both were involved at various times in copyright litigation. Bach and his colleague, Carl Friedrich Abel, would bring notable cases against Longman and Lukey in 1777.

²² (St. James's Chronicle, or the British Evening Post March 4, 1769)

some of the names may yet become better known, there is the intriguing possibility that the music-loving Fougat was promoting his own compositions under a variety of names. Of course, we will never know for sure, though it would be fascinating to peruse the extant publications.

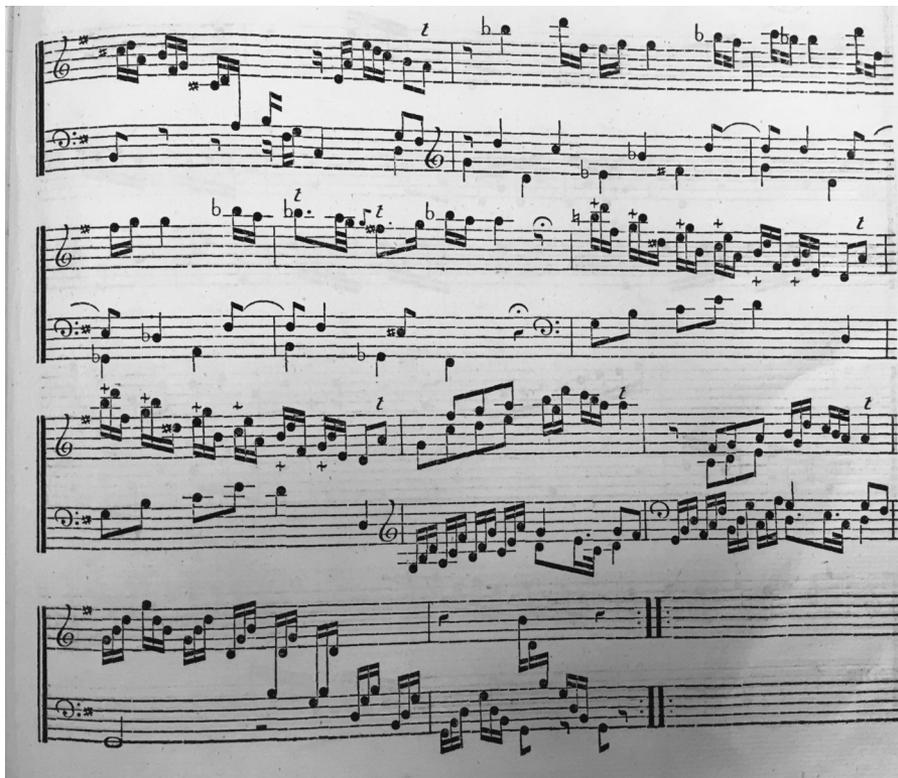


Fig. 4: Fougat's distinctive type. An excerpt from Sarti's *Sonatas*.

The other oddity about Fougat's business was the speed at which it fell. Plummeting from the glowing reports of December 1767 and '68 and the opening of the business in January 1769 to its fall in September of the same year. The fall appears to have marked the start of Robert Falkener's music publishing business, which just happens to have coincided with his own brush with the law and is mirrored in an unusual event, slightly earlier, at the Lyre and Owl.

Of Falkener's extant publications listed in WorldCat, most are dated (or are assumed to be dated) 1770-1775, suggesting that the printing business

really took off for Falkener from the date at which he acquired Fougts' music type. Prior to 1770, Falkener seems to have been best known as a harpsichord maker.²³ By 1763, one of his harpsichords had crossed the Atlantic, and was advertised by a traveller about to return to Europe:

*[Lewis Deblois] has, for sale, a curious ton'd, double key'd, new harpsichord (just imported in Capt. Maillard from London) is esteem'd the master-piece of the famous Falconer [sic].*²⁴

Despite his apparent 'fame', Falkener fell foul of the law in 1770, when he was accused by Jacob Kirkman, one of the pre-eminent harpsichord makers of the day, of producing fake Kirkman harpsichords. No Falkener harpsichords produced under his name are, as far as I know, extant; the only ones existing feature Kirkman nameboards, though are generally acknowledged to have been produced by Falkener. One, at Glasgow University, has a Kirkman nameboard, probably taken from an earlier instrument, with 'Robt. Falkener London fecit 1770' inscribed under the soundboard (this would seem a likely candidate for the Kirkman counterfeiting case), while a later instrument, now in the Russell Collection at Edinburgh University, has a similar nameboard and 'Robert Falkener London fecit 1773 September'²⁵ inscribed under the soundboard.²⁶ Judging by the dating, Falkener seems to have been entirely unabashed by his earlier brush with the law.

The Glasgow harpsichord is worth examining further. Boalch and Mould's description of this instrument – a two manual harpsichord – raises some interesting points: 'On the front board is scratched 1768 [1763?] over the nameboard'²⁷ and 'There is a lot of doodling on the underside of the upper keybed, including a sum in £ s d . . . and a picture of a *Red Indian*.'²⁸ Could this be the Boston harpsichord returned home? Back on the market after its transatlantic journey, and perhaps rather the worse for the trip, Falkener decides to re-market it by another maker?

To be fair to Falkener, his advertisements do suggest that the buyer should beware:

²³ (Universal Director 1763)

²⁴ (Boston Gazette 1763)

²⁵ To hear and see Falkener's harpsichord, go to <https://collections.ed.ac.uk/stceecilias/record/96076>

²⁶ (Boalch and Mould 1995)

²⁷ My italics.

²⁸ Ditto.

Harpsichords to be sold.

*Instruments of this nature may be purchased twenty if not thirty percent cheaper than what are sold by the generality of harpsichord makers, provided that the purchaser can depend upon his own eyes and ears, and not rely on the judgement of one that makes it his own business to recommend harpsichords. For nothing is more natural than to have the opinion of a Music Master, nor anything more common than seeing or bribing of such to praise the tone, the common premium being ten guineas in a double-key'd harpsichord, and five in a single one, for which the purchaser absolutely pays. . . .*²⁹

And

*provided the purchasers can depend on the maker³⁰ or their own judgement for the goodness of the tone, and not rely on one, who for the sake of a fee from the maker will recommend good or bad.*³¹

Harpsichords had a wide range of prices, and designer labels attracted a premium, as they do now. Falkener's counterfeit harpsichords were sold for around £25-£27 in 1771,³² while a genuine two manual Kirkman, was sold in 1766 for £89 (85 guineas).³³

These price differences are important because, in May 1769, just before Foug't's business ran into difficulties, he also decided to sell a harpsichord:

*To be sold**In good order*

*An excellent double-keyed harpsichord, with three unisons and an octave, elegantly painted, and of a very peculiar fineness and brilliancy of tone, made fifty years ago by one of the greatest harpsichord makers abroad. Price one hundred and twenty guineas. To be seen at Mr. Foug't's Music Shop, at the Lyre and Owl, next the Exhibition Room in St. Martin's Lane.*³⁴

The price of the instrument is incredible. To place this in context – the lease on a house in Berkeley Square was just £80 for the year³⁵. So where did Foug't find this harpsichord? Why or how was he involved with its sale? Who could

²⁹ (Public Advertiser 1767)

³⁰ My underlining.

³¹ (Public Advertiser 1770)

³² (Whitehead 2002)

³³ (Boalch and Mould 1995)

³⁴ (Public Advertiser 1769)

³⁵ (Gazeteer and New Daily Advertiser 1769)

have manufactured it? Was it really by a ‘great harpsichord maker’ or might this be another Falkener instrument? We will never know, but it seems rather suspicious to me that, as Fougts type was about to be acquired by harpsichord counterfeiter – Falkener, an extraordinarily expensive harpsichord appeared in the soon-to-be-closed music shop of Henric Fougts.

Is it possible that Falkener and Fougts had been unofficially in business together, with one dealing mainly with the print trade, and the other with instruments? Operating from different addresses, but with shared interests. Perhaps it was meant to be a temporary measure as Fougts found his feet in his new country (there have been suggestions that Falkener himself was an immigrant,³⁶ and it would make sense therefore for the young Swede to rely on a fellow foreigner in a new land). Was Fougts a victim of counterfeiter, Falkener? Or could they be fellow conmen?

There are certainly connections between the two men. Both had originally worked on the same street, both excelled at advertising themselves and offered, if not a new product, an innovative take on the music market, whether it was clearer, cheaper type, or a harpsichord for the man in the street. I suspect, however, that Falkener, who clearly had little time for his fellow artisans, decided to expand his harpsichord business from legal copying, into illegal counterfeiting. If the instrument that Fougts tried to sell was indeed one of these, perhaps Fougts was an innocent dupe, or he may have realised that it was a counterfeit and backed out of the deal. Perhaps that is why not long afterwards he was accused of an act of musical piracy. It is also possible that Fougts was aware of Falkener’s criminal activities, and was involved in some musical skulduggery of his own. Of course, they may have simply been good (if not entirely honest) friends, and Falkener bought his friend’s music type to aid him in his flight back to Sweden.

Falkener is now best known for his harpsichord manual, *Instructions for playing the harpsichord*, published in 1770, around the time that Henric Fougts was on his way back home. It would appear that Falkener had become the thing he most despised, a music master. He continued in business for some time, making harpsichords, and selling music largely using Fougts type. In the 1780s, his publications disappear, and we lose trace of him.

Fougts, on his return to Sweden, finally won the coveted role of Royal Printer, following the death of his father-in-law, and remained in this post until his death in 1782. His wife, Elsa, with a long printing heritage behind her, took over the business and was more successful than her spouse.

Fougts was undoubtedly a pioneer who tried to make sheet music accessible to a wider audience; whether he *was* truly guilty of piracy, or an unfortunate dupe, may never be resolved.

³⁶ (A Dictionary of Musicians 1824)

As for Falkener, it is an odd coincidence that both of his extant counterfeit harpsichords can be found in Scotland. At the time of these early copyright cases, Scotland was problematic. The case of *Millar v Taylor* had supported rights holders, but this only applied under English law, so, in effect, musical and literary piracy north of the border remained legal there for longer. Perhaps Falkener thought that he and his instruments might be freer of the law further north too?

A copyright library as a home for pirated music, and a Scottish sanctuary for counterfeit harpsichords. I think both Foug and Falkener would have appreciated the irony.

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Abstract

Arriving in London just as copyright law was on the cusp of change, Henric Fougts had an innovative approach to music publishing. His attempts to make printed music more widely available were initially successful, but soon met with opposition from fellow members of the printing trade. This was to lead to litigation, the murky world of forged musical instruments, and ultimately a hurried flight from his adopted country. Was Fougts guilty of the charges levelled against him; a scapegoat for problems within the industry; or a piratical opportunist cashing in on the success of others? This article examines the history of Fougts's time in London, and the complex, sometimes criminal world, of the music industry in the mid-eighteenth century.

Margaret Jones is Music Collections Supervisor at Cambridge University Library. She has worked as a musician and music teacher, and is an award-winning writer.

PERFORMANCE POTENTIAL OF STATIONERS' HALL REPERTOIRE

Brianna E. Robertson-Kirkland

Prelude

*Although easily distinguished from performance, which is ephemeral and contingent, the notion of 'the (timeless) work', as it has been called, is not easily distinguished from that of the (permanent) text through which it is transmitted.*¹

Richard Taruskin clearly had a specific 'work' in mind: published text that belongs to the canon of Western classical music. Only a few works have transcended their own time, creating a category of music, which is firmly embedded in the Western classical music 'tradition'. However, the act of publication alone was not the sole catalyst that allowed these works to move from an ephemeral to a preserved status, rather there are several cultural, economic and political factors that had to align to make this possible.² Throughout the twentieth century, performers have become more dependent on printed notation to accurately interpret the work, believing it to represent the composer's intentions.³ It is beyond the scope of this article to consider debates in authenticity, but by focusing on these works alone, an issue that is still prevalent in musicology and historically informed performance, the bigger musical picture with regards to the development of practices, popular music and the interdisciplinary links between music and other subjects has been skewed.⁴ Britain's musical heritage is particularly challenging to unravel and this is made all the more difficult since much of the music received by legal deposit has not been catalogued in its entirety.⁵ While scholars such as Michael Kassler⁶ and Nancy A. Mace⁷ have carried out data analysis

¹ Richard Taruskin, *Text and Act: Essays on Music and Performance*, (Oxford: Oxford University Press, 1995), 11.

² See: Rachel Cowgill, 'Mozart Productions and the Emergence of Werktreue at London's Italian Opera House, 1780-1830', *Operatic Migrations Transforming Works and Crossing Boundaries*, ed. Thomas A. Downing, First printed 2006, (Basingstoke: Routledge, 2016), 145-187. 145; Lydia Goehr, *The Imaginary Museum of Musical Works: An Essay in the Philosophy of Music*, First printed 2003, (Oxford: Oxford University Press, 2007).

³ For a fuller discussion on the music score and whether these actually represent the composer's intentions see: Andrew Parrott, 'Composers' intentions, performers' responsibilities', *Early Music*, 41:1 (2013), 37-43, <https://doi.org/10.1093/em/cat007>.

⁴ Christopher Scobie, 'Ephemeral Music?: The 'Secondary Music' Collection at the British Library', *Fontes Artis Musicae*, 63:1, (2016), 21-32. 21.

⁵ Ibid.

⁶ Michael Kassler, *Music Entries at Stationers' Hall, 1710-1818: from lists prepared for William Hawes, D.W. Krummel and Alan Tyson and from other sources*, First printed 2003. (Basingstoke: Routledge, 2016).

⁷ Nancy A. Mace, 'The Market for Music in the Late Eighteenth Century and the Entry Books of the Stationers' Company', *The Library*, 10: 2, (2009), 157-187.

highlighting the cultural impact of this music, the lack of cataloguing has limited its access. As such, it is particularly difficult for musicologists and musicians to analyse and perform this music despite the fact it could further contextualise Britain's musical culture. In this article, I will outline a few of the reasons why performing the music registered with Stationers' Hall is a valuable research exercise, which has the potential to reveal new insights into Britain's cultural history and historical music practices.

Priorities

Kassler was not the first to focus on the music entries included in the Stationers' Hall register, but he did produce one of the most comprehensive studies, which not only combined previous transcriptions by Don Kummel and Alan Tyson but also made use of a transcription list thought to have been prepared for singer, composer and conductor William Hawes (1785-1846).⁸ His motivation for producing a book such as this was bibliographically driven and as such he provided essential information which helped to fill in several gaps in the original lists. These included giving the full name of lyricists and composers, holding information such as the library location and shelf mark (though this information was not always available) and an overview of musical entries from 1710-1818. The period covered is certainly one of accelerated growth, where the cost, quality and quantity of printed publications significantly increased to the point where the main methods of communication were transformed but it also changed how print publications were valued by publishers as will be discussed later in this article.⁹ Kassler thought it redundant to include the earlier period, noting it had already been covered in other publications.¹⁰ However, none of these studies focused specifically on music and to date, there is no publication or online searchable database which contains the entirety of the music entries listed on the Stationers' Hall register.¹¹

Even after Kassler released his work, certain scholars did not agree with his definition of a music entry and opted to prepare an alternative list. Controversially, he had chosen to include all entries that mentioned music, even

⁸ It is unclear why this list was prepared for Hawes, but Kassler suggests the list was compiled to help prepare the programme for the Regent's Harmonic Institution. It is intriguing that one of the first lists of musical entries was driven by a performance agenda rather than a bibliographical or contextual one. Kassler, *Music Entries at Stationers' Hall*, xiv.

⁹ James Raven. *Publishing Business in Eighteenth-century England*. (Woodbridge: Boydell and Brewer, 2014). 2-3.

¹⁰ For Kassler's comprehensive list of publications see: *Music Entries at Stationers' Hall, 1710-1818*, xv.

¹¹ There is certainly a scholarly precedence for creating just such a resource. There are several databases dedicated to broadside ballads, Scots tunes, and historical music publications. An open access list of Stationers' Hall entries is more likely to be seen and used by performers in search of specific repertoire. The use of databases has become so common that there is significant demand from those outside of academia to improve access to research via online searchable databases. See A. Moncaster, D. Hinds, H. Cruickshank, P. Guthrie, N. Crishna, K. Baker, K. Beckman and P.W. Jowitt, 'Knowledge exchange between academia and industry', *Proceedings of the Institution of Civil Engineers - Engineering Sustainability*, 163:3 (2010). 167-174.

those without music notation, but he admitted his approach was somewhat unsystematic since he based his judgement on the 'titles alone' rather than analysing the original publication.¹² Mace disagreed with Kassler's definition and instead considered only those with music notation.¹³ She also included seventy-eight musical works and eighty-three works related to music (mainly music treatises) which did not appear in Kassler's book. 'Works related to music' is an ambiguous title, since publications without music notation could easily be included in this category. However, Mace includes several publications intended for musical training, all of which contain music notation.¹⁴ This alternative analysis prioritised publications with music notation and did not allow for any blurred lines. Unfortunately, some musical genres are not strictly defined by music notation alone. Song is a genre that can be represented by text or music alone or text and music notation together; an indistinct state which it has embodied since the earliest days of musical writing¹⁵ and this casts some uncertainty over Mace's final conclusions, particularly since the analysis highlights theatre song among the most popular publications.¹⁶

Kassler and Mace's differing opinions demonstrate a fundamental problem: what constitutes music? Answering the question depends on the priorities of the person carrying out the analysis, and neither Kassler or Mace considered performance in their study. As such, their definition for a music entry and the resulting analysis is very different and if a performer were examining the register, the results could differ once again.¹⁷ For example, music notation can facilitate performance, as can text, but neither is a sole indicator that performance was intended. For example, hastily printed libretti commonly distributed to operatic audiences throughout the eighteenth century are unlikely to have been intended for or utilised in performance.¹⁸

¹² Kassler, *Music Entries at Stationers' Hall, 1710–1818*, viii.

¹³ Mace, 'The Market for Music', 159.

¹⁴ Mace provides an overview of the entries she included in her analysis in the appendix. See Mace, 'The Market for Music', 175–187.

¹⁵ It is not uncommon to see broadside ballads and chapbooks printing song lyrics with an indication of the tune, e.g. 'to the tune of. . .'. In fact, it is rare to find a broadside with music notation but this does not necessarily mean those printed without music notation were not intended to be sung. In fact, as noted by Adam Fox, it may be assumed that the buyer of these prints would already know the tune and would be able to adapt the lyrics, or could learn it quickly from the 'criers' who sold such publications on the streets in Edinburgh. See Adam Fox, 'The Emergence of the Scottish Broadside Ballad in the Late Seventeenth and Early Eighteenth Centuries', *Journal of Scottish Historical Studies*, 31:2 (2011), 169–194.

¹⁶ The analysis also shows that the British public preferred British composers to European ones. I am not suggesting the analysis would significantly change if musical works without music notation were included, but it may give a more accurate representation of Britain's musical culture. Mace, 'The Market for Music', 175.

¹⁷ Michael Burden and Christopher Chowrimootoo have highlighted the instability of libretti, which were printed quickly for the purposes of representing the evening's performance rather than a stable representation of the operatic work. Michael Burden and Christopher Chowrimootoo, 'A Moveable Feast: The Aria in the Italian Libretto in London before 1800', *Eighteenth Century Music* 4:2 (2007), 285–89.

¹⁸ I am singling out song and libretti as these two are specifically mentioned by Kassler as the more controversial publications included in his list.

Karen McAulay is the first to question what happened to the music and as such the original publications are prioritised instead of the list.¹⁹ An investigation such as this is not only essential for any subsequent performance projects but also allows for in-depth examinations surrounding the complex national and political issues faced by legal deposit custodians and stakeholders. There is certainly plenty of evidence demonstrating that some of the music has not survived.²⁰ It is unlikely that those publications registered were not printed since nine copies ‘upon the finest paper’ had to be deposited for the registration to go through; however, what happened to the nine copies thereafter has not been fully interrogated until now.²¹ I would argue that the register has more value if all the original sources are analysed, and as such commonalities including genre, layout and performance markings can be investigated within the context of the Stationers’ Hall music collection. Where a source cannot be found, questions can be asked about its value from a publisher’s perspective versus its custodians. If the register is only analysed as a list, and a problematic list at that since it represents a multitude of different priorities from a variety of stakeholders throughout history, then it is difficult to know exactly what the list represents and its value as a historical document.

Popular publications

The list is not a comprehensive catalogue of all music published in Britain, nor does it represent the costliest or the highest quality music. It is perhaps more accurate to describe the list as representing the changing values of its stakeholders from the music’s first printing to its continued existence in legal deposit libraries. Understanding these changing values directly affects how scholars interpret Britain’s performance history including the development of performance practices. Registering a piece with Stationers’ Hall came at a high cost and the 1710 Act only placed the piece of music under copyright protection for a short time.²² It is understandable then that publishers, music sellers and composers would carefully select music that was worth protecting and this was not necessarily the most carefully composed or original pieces, rather, it was music prioritised as a sellable commodity.

In the latter half of the eighteenth century, theatre songs when arranged

¹⁹ See: Karen McAulay, ‘About’, *Claimed from Stationers’ Hall*, (2017).

<https://claimedfromstationershall.wordpress.com/about/>

²⁰ As well as McAulay, Albert R. Rice identified several missing music treatises, which were listed on the Stationers’ Hall Register and while he was hopeful these would eventually be identified, it is possible custodians have disposed of them or have not catalogued the sources. See Albert R. Rice. ‘A Selection of Instrumental and Vocal Tutors and Treatises Entered at Stationers’ Hall from 1789 to 1818’, *The Galpin Society Journal*, v.41 (Oct., 1988), 17.

²¹ Kessler, *Music Entries at Stationers’ Hall, 1710–1818*, xvi-xvii

²² *Ibid.*, xvi.

for forte piano, guitar or harp were incredibly sellable and at high risk of being pirated. The reason for their popularity came down to two key factors. In the first instance, the rise in domestic music making as an ornamental accomplishment allowed young ladies to engage in polite conversation as well as giving them a 'safe' activity to occupy their free time.²³ Since many ladies were expected to attend the theatre, they would become familiar with the songs and would be more inclined to purchase a copy of their own to perform at home. Theatre songs printed as single sheets were often presented in a format that accommodated a limited skill set, but many also appeared in compilations designed for beginner musicians.²⁴

Secondly, the rise in celebrity culture meant that certain singers and their songs reach an unprecedented level of fame and popularity.²⁵ As such, publishers capitalised on their song publications by brandishing a singer's name on the title page. These marketing tactics played on the interests and fashions of the day, and while the publications may be defined as ephemera since they were produced quickly to appease the buyers' market, registering them with Stationers' Hall suggests they had enough economic value and longevity to require copyright protection.²⁶ There is also evidence that the buyers purchased the music with the intention of keeping it in their long-term personal collections. Late eighteenth- and early nineteenth-century personally bound collections are not uncommon and many contain song sheets and piano pieces registered at Stationers' Hall.²⁷ As is suggested by Jeanice Brooks, it is possible the music was bound so it was easier to store and this marked an end to its regular use in performance.²⁸ Even so, the owners went to the added effort and expense of binding the music rather than simply throwing it away.

²³ See: B.E. Robertson-Kirkland, 'Music-making: a fundamental or a vain accomplishment?' *Women's History*, 2:10 (2018), 30-34.

²⁴ Some examples include: Domenico Corri, *A Select Collection of the Most Admired Songs, Duets, etc.* (Edinburgh: J. Corri, 1779); *The singer's assistant: containing instructions in the art of singing, with exercises and easy solfeggi, for vocalisation*, (London: Chappell & Co., 1822); and *The Musical Companion*, (Glasgow: T. T. & J. Tegg, 1833).

²⁵ For a more in-depth discussion on celebrity culture and the theatre in Georgian Britain see: David Worrell. *Celebrity, Performance, Reception: British Georgian Theatre as Social Assemblage*, (Cambridge: Cambridge University Press, 2013).

²⁶ Mace notes there is a turning point where music sellers thought their music to have more importance than mere ephemera. I do not necessarily agree with this statement but contextualising it within the performance tradition suggests a more nuanced understanding of how these publications were viewed by different stakeholders. Mace, 'The Market for Music', 174-175.

²⁷ Jeanice Brooks has identified several of these bound volumes in English country houses, but there are hundreds of examples of personally bound printed collections throughout Britain, North America and Australia. Sydney Living Museums have digitised several personally bound collections, which were brought by emigrating families from Britain to Australia. See *Caroline Simpson Research and Collection Library*, <http://collection.hht.net.au/firsthht/welcome.jsp>

²⁸ Jeanice Brooks, 'Musical Monuments for the Country House: Music, Collection and Display at Tatton Park.' *Music & Letters*, 91:4 (Nov. 2010), 513-35.

With the music sitting in this blurred state, it is understandable why legal deposit libraries would be unsure of what exactly to do with it once it was in their possession, particularly since a lot of the music does not represent high art. Christopher Scobie takes a more pessimistic position on the situation and notes that the British Museum ignored the deposited music and instead promoted large-scale European orchestral works, which has perpetuated the twentieth and twenty-first century obsession with the Western Classical music canon.²⁹ While this may be true, in the last ten years there has been a shift in focus where scholars and musicians are working together to uncover a more comprehensive understanding of Britain's musical history. Brooks' AHRC-funded *Sound Heritage* project has commissioned several historically informed performances, which bring to life the music bound in personal collections found in English country houses, while Kirsteen McCue's Royal Society of Edinburgh funded *Romantic National Song Network* is looking at the cultural history of national song from 1750-1850 and has quite deliberately included performance in that process.³⁰ Even the Royal Society of Edinburgh funded *Eighteenth-century Arts Education Research Network* is using Britain's performing arts history as a central focus to facilitate collaborations between heritage professionals, archivists, performers and scholars, with the aim of building a systematic and comprehensive methodology for historically informed performance practice as well as developing a more nuanced understanding of performance in eighteenth-century Britain.³¹ While some sources listed on the Stationers' Hall register are unaccounted for, most of the music is traceable and useable. Such a contained collection is a rare resource which has the potential to uncover cultural and performance histories previously unknown. However, this is only possible if the infrastructure is in place to facilitate just such a project. Building an infrastructure goes hand-in-hand with scholarly purpose and need, and there are several ways custodians can tap into existing areas of research, particularly in the area of historically informed performance practice, which would make the Stationers' Hall repertoire publicly visible while also highlighting its potential for several larger areas of investigation.

Potential

Throughout history, musicians have constantly adapted, changed and developed their musical practice in response to several factors and the repertoire registered with Stationers' Hall and is still held by legal deposit libraries

²⁹ Scobie, 'Ephemeral Music?', 21.

³⁰ See: *Sound Heritage*, <https://sound-heritage.soton.ac.uk/> and *Romantic National Song Network*, <https://rnsn.glasgow.ac.uk>

³¹ See: B.E. Robertson-Kirkland & Elizabeth Ford, *Eighteenth-century Arts Education Research Network*, <https://eaern.wordpress.com>.

represents one of the most elusive: cultural fashion. Much of a musician's advanced musical education is determined by cultural expectations and while historically informed performance practice research has tracked impactful changes occurring over a long period of time, such as the decline in elaborate ornamentation throughout the classical and romantic period to the point where musicians now heavily rely on printed notation above all, other cultural shifts can occur much more quickly. For example, the subject matter and compositional style of songs may link to a specific event or be inspired by a famous singer. Charles Dibdin's (1745-1814) sea songs inspired a generation of song composed in a similar format and style, though their popularity lasted for a short time.³² These cultural fads or fashions are more difficult for modern performers to interpret since they tend to pass quickly and are rarely discussed in treatises.³³

This is part of the reason why Britain's performance practice history is so difficult to uncover. Throughout the eighteenth and nineteenth centuries, what was most frequently printed was fashionable and popular music, i.e. music that would sell. If the Stationers' Hall repertoire is, as I have argued, a list of music that was the most fashionable, what we have is a unique body of music that charts a rare performance practice history. Obviously, it is not the performance practice history of Britain, and any study of it would need to contextualise the overlap between the professional and amateur music-making worlds, but it is a document that could potentially demonstrate the rapidly changing expectations of the market.

Performance

Thus far, I have highlighted projects that utilise historically informed performance practice and have embedded it in the research process, though this is a departure from how performance tends to be employed. It is easy to ask a performer to create content for public engagement which enhances the visibility of a research project or indeed a collection. However, performers can also be partners in the exchange, which allows performance to be built in as a research tool as well as dissemination.³⁴ Likewise, due to the uniqueness of

³² For a more in-depth account of Charles Dibdin's songs and his popularity see: Oskar Cox Jensen, David Kennerley, Ian Newman, *Charles Dibdin and Late Georgian Culture*, (Oxford: Oxford University Press, 2018).

³³ Historically informed performers frequently focus on Bach, Handel, Mozart and composers belonging to their circles, but significantly less work has been carried out on popular music, fashionable in its day. As such, a methodology has been developed for studying composers belonging to the canon, but the wider contextual history (which includes a thorough exploration of popular music outwith the canon) also needs to be considered to build a more comprehensive knowledge of historical practices. See: Nick Wilson. 'What's the Problem?: Cultural Capability and Learning from Historical Performance', *Historical Performance* 1 (2018), 190-212. Also see John Butt, *Playing with history: the historical approach to musical performance* (Cambridge: Cambridge University Press, 2002) and John Butt, 'Playing with History Again: the historical approach to musical performance', *The Dunedin Consort*, (2016), <https://www.dunedin-consort.org.uk/blog/playing-with-history-again/>.

³⁴ Cara Berger and Brianna Robertson-Kirkland, 'The burning circle: (pre)history, performance and public engagement', *Scottish Journal of Performance*, 4:1 (2017), 29-53.

the Stationers' Hall repertoire, it can help researcher-performers build an alternative methodology that further informs the performance practice. For example, the style of song publication commonly registered at Stationers' Hall requires more interpretation from a modern performer, but this is because the sheet was designed for a specific client, who would have been familiar both with the song and the performance practice tradition common during the period. Simply put, these song sheets do not notate everything needed to recreate how the song was first performed and a modern performer does not have the inherent knowledge to instantly recognise the original performance practice conventions. Instead performers must rely on an 'outside-in' approach to inform their interpretation and this may include performing the song with period instruments, performing it in an appropriate period venue, or using treatises to investigate expression, ornamentation and tuning. The Stationers' Hall repertoire allows for an 'inside-out' approach enabling performer-researchers the opportunity to investigate changes in musical style based on the music registered, and then compare it to those pieces that were not registered. While this is a very large undertaking, it would build one of the most comprehensive studies on Britain's music, which would benefit archivists, book historians, heritage professionals, historians, musicians, musicologists, and several others.

Before a large-scale performance-research project is proposed, all of the music needs to be catalogued and made accessible; otherwise the results of any investigation will be skewed. I realise that cataloguing and digitising are expensive investments, which leaves the custodians of this music in a *Catch-22* position: the repertoire needs to be accessible to gain the attention of performer-researchers; meanwhile a performance project is required to establish the need for investment in cataloguing and digitising. However, a small-scale performance project could act as a pilot demonstrating the potential of the Stationers' Hall repertoire as a key research and performance resource.

The Caroline Simpson Research and Collection Library (CSRCL) in Sydney, Australia are undergoing a similar exercise and have received much financial support in recent years to digitise their music collection. The collection mainly consists of personally bound volumes of domestic sheet music such as theatre songs and piano pieces and all of it has been catalogued, with the vast majority also being digitised and made available on the open-access platform archive.org. This would not have been possible without a number of research-based, performance-led projects making use of the collection. However, it was actually a small-scale, student-led project that demonstrated the initial need for cataloguing and digitisation.

Research librarian, Dr Matthew Stephens initiated a collaboration with Professor Neal Peres da Costa at the Sydney Conservatorium. Students were

invited to investigate the *The Dowling Song Book*,³⁵ which was found in a Sydney Living Museum³⁶ property in 2011.³⁷ The students were able to perform the music with period instruments and in a period specific location. The CSRCL also made sure the whole process was documented via online blogs and on film, which aimed to show the beneficial impact this project had on the student-learning experience as well as the value of the collection.³⁸ The CSRCL made sure to build on the momentum generated by this first project, and encouraged other performers and researchers to make use of their music collection. They have facilitated concerts and conferences and have continued to maintain collaborative relationships and build new ones with other performers and researchers. As such, the other personally bound volumes of music held by the library have been used in several research projects including the *Curious Caledonians* research project, in which music from Haidee B. Harris's volume,³⁹ Miss Margaret Hazlitt's volume⁴⁰ and a handwritten tune book entitled *Receuil*⁴¹ have been recorded for an album released in November 2019.⁴² Some of the volumes were also part of the major exhibition entitled *Songs of Home* at the Museum of Sydney.⁴³

The CSRCL may not be a large a body of repertoire held by legal deposit libraries, but it is an example of how a small performance project can build into larger opportunities. McAulay has already incorporated performance into the *Claimed for Stationers' Hall* project, but the repertoire has the potential to facilitate many more research-based, performance led opportunities.

Postlude

The Stationers' Hall repertoire is a hugely valuable resource and it no longer represents genres and styles of music ignored in larger research conversations. Rather, there are multiple projects underway which are examining light

³⁵ 'The Dowling songbook: owner bound collection of early nineteenth century vocal music formerly belonging to Lilius and Willoughby James Dowling', *Archive*, (2018), <https://archive.org/details/Dowling41008>.

³⁶ The Caroline Simpson Research and Collection Library is part of Sydney Living Museums, which take care of historic properties throughout New South Wales.

³⁷ See: 'The Dowling Songbook Project at Elizabeth Bay House', *University of Southampton* (2016). <https://sound-heritage.soton.ac.uk/projects/dowling-songbook-project-elizabeth-bay-house>. Dr Matthew Stephens gave a lecture on the project. See: 'The Dowling songbook project - Dr Matthew Stephens', *Sydney Living Museums*, (2017). <https://www.youtube.com/watch?v=Cdbg8noEICE>.

³⁸ See: Matthew Stephens, 'Songs and scandal uncovered: The Dowling Music Project', *Sydney Living Museums*, (2016). <https://sydneylivingmuseums.com.au/stories/songs-and-scandal-uncovered-dowling-music-project>. Also see: 'Education and Interpretation – Dowling Songbook', *National Trust*, (2017) <https://www.nationaltrust.org.au/education-and-interpretation-dowling-songbook/>

³⁹ 'Haidee B. Harris volume of songs and music, circa 1790-1800', *Archive*, (2019). <https://archive.org/details/Haidee52257>

⁴⁰ 'Miss Margaret Hazlitt volume of music, circa 1795-1817', *Archive*, (2019). <https://archive.org/details/Hazlitt52251>

⁴¹ '3 Receuil (sic) Des airs, arranges pour piano forte, J. H. L. 1807'. *Archive*, (2019). <https://archive.org/details/Receuil52283>

⁴² 'Evergreen Ensemble. Curious Caledonians', (Sydney, Australian Broadcasting Company: 2019).

<https://www.classikon.com/concert/evergreen-ensemble-elizabeth-bay-2019-june-7/>

⁴³ 'Songs of Home', *Sydney Living Museums*, (2019). <https://sydneylivingmuseums.com.au/exhibitions/songs-home>.

entertainment and music intended for the domestic market. However, the most challenging aspect of drawing attention to its potential is making the repertoire accessible. While the current funding climate does not prioritise cataloguing or digitisation, there are a number of other research-based, performance-led avenues, which could be used to draw attention to this repertoire. However someone needs to take the first step to initiate conversations with performing arts institutions and/or professional musicians and work with them to devise a project which shows the breadth of its potential and documents both traditional and practice-based research strands. McAulay has already taken those first steps and now there is a little momentum, there is a real opportunity to give this music our full attention.

Abstract

With a wealth of early music prints now available online via The Library of Congress digital collections, archive.org, IMSLP, and the National Library of Scotland, many more opportunities have been created for performers and researchers to bring to life musical sources that do not belong to the standard Western classical music canon. Projects such as ‘Sound Heritage’ and ‘Transforming Nineteenth-century Historically Informed Performance Practice’ are actively using these prints, which were primarily produced for a domestic market to consider music-making practices outwith the established musical canon, an area that has only received dedicated investigation in the last five years. In this respect, the vast quantities of music registered with Stationer’s Hall and still held by legal deposit libraries has the potential to uncover further insights into historical performance practices and musical fashions. However, this potential can only be realised if the entirety of the Stationer’s Hall repertoire is made publicly available. In this article, I will highlight possible ways to facilitate cross-collaborative projects between performers and the custodians of this material, which enhance the visibility of the collections as well as performance practice research.

Dr Brianna E. Robertson-Kirkland is Lecturer of Historical Musicology at the Royal Conservatoire of Scotland and she has a particular interest in historically-informed performance practice and singing in the eighteenth century. Brianna is Research Associate for the AHRC-funded project ‘The edited collection of Allan Ramsay’ and is Research Assistant for the Royal Society of Edinburgh-funded Romantic National Song Network. She was also part of the team who established the Royal Society of Edinburgh-funded Eighteenth-century Arts Education Research Network. Her forthcoming monograph is entitled Venanzio Rauzzini and the Birth of a New Style in English Singing: Scandalous Lessons.

NON-PRINT LEGAL DEPOSIT AND MUSIC IN THE UK: A PROGRESS REPORT

Richard Chesser & Rupert Ridgwell

The fundamental *raison d'être* of legal deposit libraries is to collect and preserve the national published output for posterity, in order to make it available for research and a myriad of other purposes. The legislation and processes that underpin this mission have inevitably changed and developed over the last three centuries in response to changing geo-political contexts and the growth in publishing in general. Legal Deposit originally grew out of a co-operative agreement between Sir Thomas Bodley and the Stationers' Company in 1610 permitting the Bodleian Library to claim a copy of all books printed in the UK under Royal Licence. It was not until 1662 that legal deposit became part of UK law. Until 2003 the legal deposit provisions arose from s15 of the 1911 Copyright Act, all other provisions of which had been repealed by the Copyright Acts of 1956 and 1988. This required publishers to supply prescribed material to the British Library on publication, and to make it available for the other legal deposit libraries to claim. Since these provisions dated from a time when all of Ireland was still part of the United Kingdom, Trinity College, Dublin was cited as one of the legal deposit libraries, and recorded material, still in its infancy, was not included. Sheet music, though, was one of the formats that was especially recognised and included.

Recognising that many publications were now being produced digitally, and ought to be offered the same protection and preservation as part of the national heritage as traditional formats, the Legal Deposit Libraries Act was passed in 2003, paving the way for a consultation period during which procedures and processes would be formulated to bring digital publications under the umbrella of legal deposit.¹ The government's preference was to achieve this by cross-sectoral self-regulation rather than direct legislation. Consequently, the Legal Deposit Libraries (Non-Print Works) Regulations 2013 came into force on 6 April 2013, and are an instrument of secondary legislation that complement the primary legislation of the 2003 Act.² By ensuring that representatives from all stakeholder areas (libraries, publishers, authors,

¹ For further details see: <http://www.legislation.gov.uk/ukpga/2003/28/contents>

² For further details see: <http://www.legislation.gov.uk/uksi/2013/777/contents/made>

consumers) had the opportunity to take part in the consultation process, it was hoped that the resulting provisions would strike a reasonable balance between the interests of the various parties.

Summary of the Regulations

The Regulations relate to any digital or non-print publication apart from works that are wholly or predominantly films or recorded sound. They cover what are referred to as offline and online media. Offline media are digital works on a physical carrier (such as CDs), whereas online media are accessible only from a website. For offline works, the provisions are very similar to those relating to printed material: there is an obligation on the publisher to send material to the British Library within a month of publication, and the other legal deposit libraries may claim copies for themselves within a year of publication. For online works (such as e-books, e-journals, websites, and digital maps), the provisions recognise that for technical reasons there may need to be more than one way of delivery or collecting. They allow, for example, for material in scope to be automatically harvested, even if it is password protected or some other login facility applies, provided that one month's notice is given. Alternatively, by mutual agreement, a different deposit method may be used (e.g. ftp transfer, or via a third party).

The regulations also seek to define the geographic parameters of online media in the UK. They make clear that the address of the Head Office of the publisher is the deciding factor, rather than the location of the server where the content is stored. However, when a publisher has multiple head offices and/or offices that are of equal importance, it is for the publisher to decide where to deposit. In this respect, the regulations are no different from those relating to print deposit.

There is also a retrospective aspect to the legislation in that legal deposit libraries are entitled to copy freely accessible material published openly on the web before the Regulations came into force. Where digital and print versions of works exist and are 'substantially the same', only one format is subject to deposit. The default version is print unless both publisher and libraries agree otherwise. Another key part of the regulations is to promote long-term preservation of the digital content, giving libraries the right to collect the best format for preservation. In other words, where more than one digital version of a work exists, the format that is most suitable for preservation should be deposited. From a digital preservation perspective, it is highly desirable to collect a 'native' file format when this is possible, as these formats retain the most functionality. Music notation formats may be converted or normalised to MusicXML for long-term preservation, as this is the current industry standard for moving across versions and formats. The regulations also seek to ensure the long-term viability of collecting digital (or non-print) content by

requiring the libraries and publishers to share part of the responsibility for establishing sustainable processes for collecting content without imposing an unreasonable burden on any single institution.

Understandably, there are strict limits on what use may be made of digital publications deposited in libraries. Library users may only access deposited material while on 'library premises controlled by a deposit library', with only one user at a time per publication within each library (thereby mirroring the situation with printed materials). This condition precludes access offsite, for example at home or via a public or academic library. No digital copying for users is permitted without specific and explicit permission from the publisher. Users themselves may print copies of a reasonable proportion of a deposited work, but only for the standard fair dealing purposes of non-commercial research, private study, criticism, and review (though any changes proposed to these exceptions will presumably apply to this material too).

At any time, the copyright holder can request an embargo on access of up to three years, renewable as many times as is necessary. The request must be granted, provided the deposit library is satisfied that access would otherwise prejudice the interests of the party making the request. These conditions currently remain in force in perpetuity, even after all intellectual property rights have expired. In return for these assurances and safeguards, the legal deposit libraries are permitted some activities of their own. They may transfer, lend, copy, and share deposited works amongst themselves, and may use them for their own research. They may copy deposited works, including into different formats, for preservation. They may also dispose of duplicates, provided that they retain at least one copy. Copies may also be made to enable visually impaired persons to use a deposited work.

In the library world, the technical implications of the legislation are immense, since new processes need to be set up to identify, select, ingest, catalogue, store, preserve and make accessible the material within scope. The legal deposit libraries must also now collaborate in ways and to a degree that has not been necessary before. After the introduction of the 2013 Regulations the first phase of work focused on e-books, e-journals and websites. It has achieved some impressive results: to date, around 530,000 e-books and 13 million journal articles have been ingested and made available to users at all six legal deposit libraries, while processes have been put in place to ingest a snapshot of the UK web domain at regular intervals. The first phase also established a number of different ways of collecting content, providing a foundation to collect content that was more complex in a second phase of work covering digital maps, digital sheet music and 'emerging formats' such as apps.

Since 2014, music colleagues in each of the deposit libraries have been meeting regularly as the Sheet Music Task Group, to respond to the challenges

of the new legislation in relation to digital sheet music, which forms a growing part of the music publishing market in the UK. This group forms part of the wider administrative framework created to oversee Non-Print Legal Deposit in general, under the overall direction of the Legal Deposit Implementation Group (LDIG). Following preparatory work undertaken at the British Library, a specially funded pilot project was initiated in April 2017 with three main objectives: to undertake research into the publishing landscape; to design the workflow required to ingest and provide access to the content; and to begin collecting content from two major publishers.

Publishing landscape

A key part of the project was to gain a better understanding of the digital sheet music landscape in the UK, with consideration of such issues as the file formats used to publish digital scores, the extent to which publishers issue bundles of associated content (scores, parts, sound files), and the methods by which content is delivered to the public.³ This research built on earlier work, completed in 2014, which had produced a preliminary listing of music publishers; it was also underpinned by a survey targeted at UK music publishers to find out more about their current and future digital sheet music outputs.⁴

The project identified more than 350 music publishers currently active in the UK. While the industry is dominated by a few major players (for example, Music Sales, Faber Music, Boosey & Hawkes, Schott, Oxford University Press, Peters and the ABRSM), they are greatly outnumbered by numerous medium-sized and small publishers, including many individual composers issuing their work online. It is difficult to quantify the amount of material currently available for collection, but the research undertaken suggests that it runs to over 200,000 publications. A very revealing finding is that the number of music publishers issuing digital content has increased substantially since 2014, amounting to 188 publishers, or 53% of the total number of firms identified by the project; of these, 50 publishers (14%) issue content exclusively in digital form. One of the major challenges presented by this proliferation of publishers is the greatly increased need for publisher engagement to ensure compliance with the regulations, resulting in a significantly increased workload for the legal deposit libraries.

A trend has emerged in digital sheet music publishing towards publishing individual pieces of music rather than issuing digital compilations. This trend is especially noticeable in the output of the large publishers Music Sales, Faber Music and Boosey & Hawkes and it explains the high number of titles

³ The research resulted in the report by Elias Mazzucco: 'Digital Sheet Music Publishing in the United Kingdom: Implementation of the Non-Print Legal Deposit Regulations' (British Library, 2018)

⁴ The preliminary list of publishers forms part of a report by Andra Patterson: 'Acquiring, Ingesting, Describing and Providing Access to Digital Sheet Music at the British Library' (British Library, 2014).

available from some publishers. Concern over websites offering unauthorised downloads has prompted some publishers to join forces online to provide a hub of licensed digital content, for example the Faber E-Partners scheme. This can make it difficult to determine the number of digital sheet music titles published by an individual publisher. But the possibility of acquiring many publishers' content from one source is a huge potential benefit.

The industry is therefore evolving very quickly. It seems obvious, but it is also important to recognise, that music is distinct from the book publishing industry, for a multiplicity of reasons. ISBNs, for example, are absent on many digital sheet music publications and generally digital sheet music uses completely different distribution channels from e-books. Music file formats and delivery methods are also distinct and offer a more complex picture compared to the book publishing industry. Although the most common access format is PDF, some music publishers also make content available in other proprietary formats such as Scorch and Sibelius. As one might expect, some digital sheet music is also delivered in multiple instrumental and/or vocal parts, sometimes with an audio component attached. Works with multiple parts are issued in two ways: consecutively within one single file; or in separate files for each part. Publishers tend to produce sound to accompany digital scores either to promote the work or to be used as a play-along track. Most often these sound files are bundled together for delivery to the consumer with the digital score in separate files, although in more complex formats (such as apple iBooks and mobile applications) the sound is embedded within the score itself. Publishers are also issuing multimedia content (sound and video as well as scores) through various different platforms, including via their own websites, third party sites and aggregators.

This places special requirements on the system for collecting, as it needs to recognise that the parts belong together and then deliver them together too. There is also a requirement to be able to ingest and deliver associated sound files with the digital scores and/or parts. Some publications also have added functionality – such as playback and transposition – though not as many as originally anticipated, since the large majority of digital sheet music publications are delivered as flat PDFs. This means that the ingest mechanisms and workflows designed for e-books and e-journals are not suitable for digital sheet music and will either need to be adapted to accommodate the requirements of digital scores and sound files, or entirely new solutions will need to be put in place instead.

Ingest methods

The legal deposit libraries have developed three ways to ingest content. For larger publishers, the preferred method is to set up an API to ensure a regular automated feed, or allowing deposits in bulk via an FTP server or simply

using a secure external hard drive. In the pilot project, we worked with two large publishers, Music Sales and Faber Music, to collect their entire catalogues of digital sheet music via the workflow designed for large quantities of material. This involved the publishers depositing the digital files and associated metadata with the British Library: in total around 13,000 scores from Faber Music and 46,000 from Music Sales. This allowed us to test the processes for dealing with a large volume of content, including not only the process for ingesting the digital files into the Library's Digital Library Store, but also the workflow for capturing the associated publisher metadata and matching it with the digital content. The metadata then forms the basis for the catalogue record for each item, via a process of matching against the fields in a standard MARC record for sheet music. This is a complex area because publisher metadata tends to be very variable, with no consistent approach adopted across the industry as a whole, which means that each publisher has to be dealt with separately. At this stage too it is impossible to know whether any perceived consistency within a publisher's metadata provision will remain so over time. Significant enhancement is also needed to bring the metadata to a common standard and to make it intelligible to searches via library catalogues.

For content that is available online free of charge, the libraries have developed a Document Harvester, which targets particular websites to locate and ingest PDF files with its associated metadata directly from the web. The pilot project also tested the Document Harvester for collecting digital sheet music. There has been some success here as well, although it is a method that applies to only a small number of publishers who issue digital scores free of charge online. So far, we have identified only about 20 publishers who fit the bill. But we have been testing it on a few websites and have been able to capture and ingest some content in this way. However, there is more technical development needed to be able to deliver the content to the catalogue and make it available to users. We are also hoping that in the future, the Document Harvester might be used to acquire material that is hidden behind paywalls and passwords, but that will require further technical development.

The third option is a Publisher Submission Portal, intended for smaller publishers, which allows material to be supplied manually. Publishers register on the system and then upload the relevant files, and add the associated metadata too. The portal was designed specifically for e-books and further work is required to develop it (or to create a new portal) to accommodate digital sheet music, specifically to make it possible for publishers to deposit not only flat PDFs but also bundles of content, including sound files, and proprietary formats. It is hoped that this can be achieved in the near future.

Another potential solution for capturing the outputs of smaller publishers is to work with a third-party aggregator or distributor, rather than working with each publisher individually. Collecting content via an aggregator might

also help to ensure a more standardised level of metadata at the point of ingest. There is, however, one substantial risk should this strategy be pursued. While some smaller publishers and individuals make all their works available through an aggregator (sometimes exclusively), others are more selective. In such cases, relying on an aggregator as the exclusive ingest channel would risk missing material in scope for collection. Another risk would be of collecting material that is not in scope for legal deposit. This would be true of Score Exchange, for example, which sells material from 5,000 publishers, many of which are based abroad.

Once the content is acquired via one of these routes, it is automatically shared between all six legal deposit libraries so that publishers only need to deposit once. Content is deposited at the British Library, then replicated at four nodes: the two British Library sites (Boston Spa and St Pancras), the National Library of Wales at Aberystwyth and the National Library of Scotland at Edinburgh. These four institutions can then access this content directly from their local nodes, whereas the remainder – Cambridge University Library, the Bodleian Library and Trinity College Dublin – access the content via a secure network rather than having to host it themselves.

Future aims and opportunities

Following the successful completion of the pilot project, much work nevertheless remains to ensure that the digital outputs of UK music publishers are captured, preserved and made available on an ongoing basis. The pilot project focused on material which is published solely in digital format, which is the greatest priority for collection because otherwise this content would not be acquired at all. But it is also important to recognise, of course, that some material is published in parallel in both print and digital formats. This in turn means that one of the big future areas of work around collecting this content is to consider whether to ‘transition’ deposit from print to digital, which is an option permitted by the regulations. If a publisher’s output is issued in both print and digital form, and provided both publisher and legal deposit libraries agree, the digital publication may be deposited instead of print. On the face of it this may appear a very attractive possibility to all parties. But in practice there are some complex issues to consider: whether all of a publisher’s output is produced in digital and print (if not, a transition policy cannot be applied universally to all of their publications); books may have flaps or inserts that do not transfer easily to the digital format; books where it is essential to be able to view a complete page (e.g. an art book or indeed, music score) may not transfer satisfactorily to a digital screen; there may be resistance from users who simply prefer physical reading matter. And providing citations and references to places within a digital publication has raised issues which have yet to be solved.

Owing to the complex nature of music materials, user requirements are quite different from other forms of media. Digital scores also provide increased functionality for users in comparison with printed music, but there will have to be technical development work to accommodate this. Full orchestral scores do not tend to display effectively on standard computer screens, and the ability to zoom in does not solve the problem of being able to read a score in its entirety. The installation of larger screens in reading rooms could be the only effective solution. The ability to scroll through a score is essential, and ideally there should be additional functionality to search the notation and potentially also transpose music, or to extract specific parts from scores, in accordance with the format deposited by the publisher. Another desirable function would be to facilitate user-generated notes and annotations. Users also require the ability to display more than one score or part on the screen at a time to help with comparative analysis. It is also essential to be able to play any associated audio content – whether embedded in the score or as a separate file – in the way that the publisher makes it available.

Music researchers also require the ability to ‘play’ digital sheet music in ‘native’ formats such as Sibelius and Finale in order to identify and select the work or expression they are researching. This ‘play’ functionality is present in most music notation formats but is not present in a PDF file generated from these formats. It is therefore necessary to obtain files in music notation formats whenever it is possible to do so, and to develop ingest and access mechanisms that accommodate and utilise the functionality of these formats. An alternative access scenario would be to include in the bibliographic record a link to the object in music notation format on the publisher’s website. If this scenario was followed it would be worth utilising link-checking software to ensure links remain live over time. Under this scenario it would still be necessary to collect, store and ingest the music notation format for digital preservation purposes.

Non-Print Legal Deposit therefore potentially opens up a number of exciting opportunities to develop user access to digital music content within the legal deposit libraries. It critically implies a significant demand on staffing and technical resources to deal with this new stream of content and to manage the far greater level of publisher engagement required compared to traditional print deposit. The progress made so far with initiating legal deposit of digital sheet music is due in no small way to the positive collaborative relationship between publishers and the LD libraries, which one might say harks back to the spirit of cooperation envisaged in Bodley’s 1610 agreement.

Abstract

This article brings the history of legal deposit in the UK up-to-date with developments in digital depositing. It includes a summary of the 2003 Legal Deposit Libraries Act and the Legal Deposit Libraries (Non-Print Works) Regulations of 2013. It describes the work being done at the British Library to implement the legislation and some of the challenges posed by music to the complexities of collecting non-print material, making it available to users and storing it for posterity. This has involved a pilot project to ingest digital content from two major UK publishers and a survey of the current digital landscape for notated music which is summarised here.

Richard Chesser is Head of Music Collections and Rupert Ridgewell is Curator of Printed Music at the British Library.

EXHIBITION REVIEW

‘Two Last Nights!’: Show business in Georgian Britain

**The Foundling Museum
40 Brunswick Square
London WC1N 1AZ**

**20 December 2019 – 5 January 2020
(Museum entry: £12/£9)**

Two Last Nights! presents an honest and gritty exploration of the realities of theatre-going in the eighteenth century with the big name composers and playwrights taking a back seat and the audiences and the individuals who worked at the theatre taking centre stage. Through an outstanding array of objects encompassing the public and the personal, the exhibition offers unique insights into the sensory experiences of theatre-goers, unveiling the comforts and discomforts of the physical space, the striking social diversity of its audiences, and the ingenuity and artistry of those who worked to create the increasingly elaborate spectacles that encapsulated the extravagances of eighteenth-century theatre.

The most striking objects on display are the selection of Georgian tickets. They range from simple functional documents which were partly printed and partly handwritten, to elaborate colour coded prints engraved by celebrated artists of the time. The range of social classes in attendance is especially well articulated through the bronze and ivory season tickets for the royal boxes contrasted with the accounts of the lower classes buying cheap tickets at a reduced rate to attend the end of performances.

The exhibition functions brilliantly as a ‘how-to guide’ to going to a show in the eighteenth century, primarily through an intriguing glance into the contents of a lady’s pocket. The theatre-goer’s pocket contained familiar and less familiar items: the coins used to pay for refreshments, the looking glasses for watching both people and plays, snuff boxes for the evening highs and smelling salts for the evening lows. The number of opera fans on display, less pocket-sized but equally enticing objects, illuminate the social expectations of the theatre for wealthy attendees, one notable example being printed with

the names of those individuals who occupied the boxes for the 1800 season at the King's Theatre.

Understandably, objects associated with the lower classes are lacking. The exhibition attempts to resolve this imbalance through a collection of prints depicting theatre scenes, embellished by newspaper and personal accounts of theatre-going, but inevitably the lower orders are represented only by their social superiors and no real attempt is made to challenge these perspectives. Prints by Thomas Rowlandson, Isaac Cruikshank and others do provide a glimpse at the cramped, uncomfortable, and riotous crowds to be expected by the poor in the eighteenth-century theatre but these theatre-goers are mostly presented in an unsavoury light: Rowlandson's *Pidgeon hole. A Covent Garden contrivance to coop up the Gods* (1811) giving a particularly gruesome depiction of lower class theatre-goers in the heat and discomfort of the upper gallery, with their distorted faces either sleeping or screaming and one even bleeding from the nose.

The practical workings of the theatre, however, are brilliantly displayed in the exhibition space. A model of the Theatre Royal sits alongside Benjamin Watt's observations of its designs, giving a spatial context in which to imagine these eighteenth-century audiences. The addition of fruit boxes, coffee rooms and dressing rooms portray the theatre as a multifaceted commercial, artistic, and social environment that was as varied and complex as the audience who attended it. The spatial imagination is stimulated further by a 1785 set model for Drury Lane, playbills describing elaborate set design and the artists who created it, and visitors are even invited to interact with the exhibition and reproduce the sounds of the theatre with a 'thunder sheet' and 'door slam' on loan from London Opera Productions. The exhibition also does an excellent job of linking historic and contemporary theatrical practice with insightful commentary from current theatre directors and managers punctuating the exhibition themes and also by giving examples of eighteenth-century theatres that are still in use today.

Leaving the diversity of audiences presented in the main exhibition space, the more exclusive concert-going of high society is treated, rather appropriately, within the permanent collection of The Foundling Museum. Here the Vauxhall Pleasure Gardens and the Foundling Hospital Chapel are depicted on huge reproductions of eighteenth-century prints set amidst the portraits of philanthropists, musicians and Handel himself. Lists of performers, Handel's scores, hymn books and souvenir programmes show the sheer scale of philanthropy and the arts in Georgian London, highlighting the complex networks surrounding concert life and the central role print culture played in the production and promotion of theatrical and musical events.

A more critical eye could perhaps have been given to the largely negative representations of the lower classes at the theatre, particularly in the prints

on display. However, *Two Last Nights!* remains an excellent exhibition which not only opens a window onto theatre-going in the eighteenth century but draws the visitor through the personal trinkets of the upper classes, the sensory nightmare of the cheaper seats, the practical workings of those behind the scenes, and the business interests that underpinned this central facet to eighteenth-century cultural life.

Dominic Bridge

BOOK REVIEWS

Derek Miller, *Copyright and the Value of Performance, 1770-1911*. Cambridge: Cambridge University Press, 2018. viii, 283 p. ISBN: 9781108425889 Hardback. £75.00 (also available as e-book).

The author of this monograph, Derek Miller, is the John L. Loeb Associate Professor of the Humanities at Harvard University. His book comes as a timely reminder that, whilst Stationers' Hall was busily logging copyrighted printed materials and coordinating their legal deposit (to a greater or lesser extent), performance rights of theatrical and musical works were simultaneously developing in parallel to the legislation pertaining to their printed versions. (Let us not forget that copyright and legal deposit are essentially two sides of the same coin, with legal deposit basically a by-product of the important legislative process.)

Miller traces the development of legislation on both sides of the Atlantic. Performance rights were enshrined in UK legislation in 1833, and a couple of decades later in America, but the author traces litigation as early as an Anglo-American lawsuit in 1770, so his timeline begins in the Georgian era and extends to the UK's 1911 *Copyright Act*: an epilogue offers a tantalising glimpse of the subsequent story. Essentially dealing with the Victorian and Edwardian eras, only the early years of performance rights history overlap with the latter years of the period on which the 'Claimed From Stationers' Hall' project focused, i.e. the years leading up to the cessation of widespread legal deposit to university libraries. This book thus provides a readable and informative narrative of 'what happened next', as legislation evolved. Indeed, America's 1909 *Copyright Act* and the UK's 1911 legislation were to address the question of copyright in recordings – a technology undreamt of during the late Georgian era!

This book is about what happens when published words and/or music leave the printed page and are performed publicly, with the performance itself becoming a commercially viable commodity, valuable to owners of theatres as much as to the author or composer of the original piece – Miller refers to this as the 'performance commodity'. We learn how successive lawsuits and legal developments led to a fuller understanding of the fact that a play or piece of music has both aesthetic and economic value. We learn, too, about the historical system of royal patents endowed upon two particular London theatres, granting the rights to perform spoken drama.

It was initially by no means a forgone conclusion that the author of a play retained any rights at all in their work once it was published and performed in public. Indeed, it was not unknown for theatre owners to employ scribes to transcribe plays from live performances, if they could not obtain a published script soon enough to assure them of a healthy profit in the opening performances of a new work. Miller shares the example of Charles Macklin, an actor-playwright who jealously guarded his play, keeping it in manuscript format in the hope of preventing other theatres from obtaining a playscript and attempting to produce it themselves; he was anxious to retain the value of the work for his family in later years. The ensuing lawsuit obliged the legal profession to confirm that no one but the playwright could possibly hold the rights to such a work.

Miller reminds us that performances involve a plethora of questions about the productions themselves, and in this respect cites a fascinating early legal case about the spectacle of a body on a railroad track – clearly an irresistible scenario, used in more than one production – where it was asserted that performing rights could reside only in human rather than mechanical action (i.e. the device of the train itself). Rights also extend to the costumes, even gestures and mannerisms of the performers. In this context, you may be surprised to learn that choreography acquired copyright protection as late as 1892.

Miller explains how performance rights developed somewhat differently in theatrical performances, compared to musical ones, and how legislation for music focused more on melody as the most significant part of a musical work – and more on the printed music than the embodied performance. Accordingly, the detailed descriptions of key lawsuits focus more on the printed format for music (Chapter 2), particularly in the earlier years, compared to the emphasis on performance and production for theatrical cases (Chapter 3).

The musical cases cite big names still recognised today, such as Boosey (defending quadrilles based on opera themes, and a piano-vocal arrangement of another opera), Gounod, and Gilbert and Sullivan.

Readers should not be put off by the prospect of reading about complicated lawsuits; Miller's narrative is engagingly written and at times exudes quiet humour as, for example, in his description of the actor Macklin charging round London in search of the Lord Chancellor. À propos of the first Boosey court case, followers of the 'Claimed From Stationers' Hall' network will also be interested to note that although Boosey considered his client Philippe Musard's quadrilles (of which there were many) culturally and functionally inferior to operas, the court itself rejected any attempt to rank different kinds of music. Piracy was piracy; it all came down to who owned a melody, and whether it could be recognised. Interestingly, and with a somewhat contradictory outcome, Boosey later on successfully established that an arranger

also had protectable rights, and that a vocal score was a different commodity, being used for a different kind of performance. The discussion of how far ‘arrangement’ can go (pp. 95-100) is fascinating in itself. This is but one example of Miller’s adept choice of cases to demonstrate the philosophical thinking behind case law as it developed.

Having devoted Chapters 2 and 3 to music and theatre respectively, the fourth chapter, ‘The Performance-Commodity at Work, 1833-1911’ looks at the interconnected influence of market forces and economic value upon the legal process, and vice versa. A final epilogue, ‘Valuing Performance Today’, brings the narrative up to date, focusing on the complicated legal arguments around *Jesus Christ Superstar* in the 1970s, and about David Byrne (of the pop group Talking Heads) in a more recent advertising campaign.

An invaluable appendix, ‘Timeline of Major Legislation and Litigation Affecting Performance Rights’, forms a handy guide to the chronology. It is followed by a bibliography (‘Works Cited’) itemising cases – mainly from the nineteenth century, but some also covering the twentieth, and then an up-to-the-minute listing of other sources, including many from the present decade. The book is generously indexed.

In this meticulously researched, interdisciplinary study, Miller worked with legal historians, and consulted a wide array of archives. He has also acknowledged the help of colleagues and students at Stanford and Harvard Universities. His book appears as part of the Cambridge University Press series, *Theatre and Performance Theory*. Notwithstanding the fact that this volume might at first glance be considered more of a theatre than a music book, the contents certainly argue for its presence in a well-rounded music collection.

Karen E. McAulay

Book Parts. Edited by Dennis Duncan and Adam Smyth. Oxford: Oxford University Press, 2019. xxi, 320 p. ISBN: 9780198812463. Hardback. £21.00.

The editors of this new book, Dennis Duncan and Adam Smyth, are respectively a writer and translator, and Professor of English Literature and the History of the Book at the University of Oxford. Another 20 contributors are drawn from the international community of book historians and literary scholars, also embracing cultural and art history and print/digital technologies. The 22 chapters cover every written part of a book other than the main text itself – from acknowledgments to dedications, contents pages to dust-jackets, epigraphs to engravings, frontispieces to footnotes, not to mention

introductions, indices and woodcuts. It concerns words and images, but not bookbinding or paper. The book is therefore, in all but name, an essay collection about every aspect of paratext – the literary term describing all the paraphernalia framing the central text. The first chapter, ‘Introductions’, explains in typically lively style that, ‘*Book Parts* crumbles the wholeness of the book in order to see more clearly the workings and changing histories of each piece: this is book history as anatomy, a sense of the book . . . as a teeming collection of atoms, each jostling to perform a role . . .’ (p. 9). It is arranged so that the reader encounters each part of the book in turn, as they would if they were examining the physical specimen. Indeed, the fact that there are so many comparatively short chapters with differing foci makes it easy enough to dip into the collection for aspects that particularly attract our attention; one author specifically alludes to the book’s structure, which seems ‘not only to facilitate but to encourage non-linear reading’ (Joseph A. Howley, ‘Tables of Contents’, p. 79).

And who is the intended reader? The book would primarily appeal to readers interested in book history, and would probably sit more comfortably in this area than in a music collection, but, as will be demonstrated, there is much that will also interest music historians and music librarians, to whose professional enrichment it would assuredly contribute.

A seminal monograph on paratext was published in French by Gérard Genette in 1987 as *Seuils*, and then in English translation as *Paratexts: Thresholds of Interpretation*, in 1997. Whilst Genette’s book focused on the nineteenth and twentieth-century novel, the present essay collection deliberately redresses the balance by taking a wider historical overview. To most music librarians, the chapters concerning early modern book history are, admittedly, more detailed than we generally need, but the book is certainly not solely limited to older materials. For example, within the opening chapters alone, we’re invited to contemplate the history and function of dust jackets (there’s more to this than protecting against dust!); the iconography of frontispieces; the distinction between movable type and engraved pages and how this affects what they contain; and the amount of information both overtly and implicitly conveyed in a title-page. In this context, author Whitney Trettien (University of Pennsylvania) reveals that publication facts on a title-page can be simultaneously both accurate *and* lacking impartiality, whilst Shef Rogers’ chapter on ‘Imprints, Imprimaturs, and Copyright Pages’ is concisely informative about licences, copyright and moral rights, edition statements and cataloguing information up to the present day.

It is fair to say that the study of paratext has to date been firmly in the domain of literary and book historians, so it comes as no surprise that this present collection does not embrace music. However, the present reviewer has for some years been arguing – and indeed, has stated in print – that the

boundaries can and should be extended to encompass any published music collection, particularly in categories such as national song collections or didactic works – where forewords, prefaces and so on are more prevalent. Duncan and Smyth observe that, ‘The presence of an introduction is also a reliable marker of canonicity, or at least of some considerable critical standing’ (p. 9). This is certainly true in national songbooks, where such commentary tells us how the compiler or editor intended their contemporary reader to approach the book, setting it in context and – as today – often alluding to earlier publications of the same kind. Similarly, historical title-pages, especially in the late eighteenth to nineteenth centuries, are much lengthier – and, it could be argued, more informative – than modern equivalents, whilst subscribers’ lists have a fascination all of their own. Cataloguing practices have often abbreviated those longer titles, whilst subscriber lists become lost, if not before binding, then by disappearing into the roman numerals of a pagination statement – a shame, in whichever circumstance, considering how much both librarians and scholars can learn from them.

Meaghan J. Brown’s chapter concerns ‘Addresses to the Reader’ (primarily in the early modern era), and is a good example of the book’s usefulness in providing a succinct overview of a particular feature – in this case, how an ‘address to the reader’ effectively manages readers’ expectations. It could be argued that a book review fulfils a slightly similar function, but from the vantage point of a professional reader rather than the author themselves.

In summary, then, this survey of the various kinds of book paratext will appeal not only to lay readers but also to undergraduates who are taking book history courses, and to librarians of specialisms other than rare books per se. Since a music librarian’s work has a broader chronological scope than that of a rare books specialist, it helps us to understand some of the finer nuances of this different but sometimes related area. If, therefore, the reader of this review ever handles older music collections, perhaps receives donations containing more or less desirable historical gems, or supports researchers into music or wider cultural history, then it is worth setting aside any hesitations that this volume does not concern music. It is readable, wide-ranging, and an eye-opener about how another, related discipline approaches its raw materials.

Generously illustrated with black and white reproductions of some of the works discussed, there are also twelve coloured plates, which add to the appeal of this very affordable essay collection.

Karen E. McAulay

David Pearson, *Provenance Research in Book History: a Handbook*. New and revised edition. Oxford: Bodleian Library, 2019. 448 p. ISBN: 9781584563648. Hardback. £86.00

When the first edition of *Provenance Research in Book History* came out, in 1994, it broke new ground, in providing systematic guidance in how to identify former owners from the marks they left on their books, and how to research the collections of individuals from the past. It appeared at a very apposite moment; not only was interest in book ownership and the history of reading growing, but the automation of library catalogues was starting to be retrospectively applied to older collections on a large scale. Libraries were starting to realise the opportunities presented by an electronic platform for producing much fuller and more detailed descriptions of the books in their collections, including recording provenance.

The first edition rapidly became indispensable. Its clear descriptions and illustrations of different types of provenance evidence, organised by type and date, and its extensive lists of published sources of information, provided the researcher with a structured framework of guidance from which to identify former owners of books. It provided an invaluable reference for recognising and interpreting unfamiliar types of evidence in the days before the internet could provide images of other examples for comparison. Twenty-five years later, when Google reigns supreme, it is possible to question whether a new edition of what is essentially a research guide based on many older resources is necessary or appropriate. The answer, seeing the new edition, is an enthusiastic 'yes'.

Aesthetically, the new edition is much better presented than its predecessor: better paper; larger type, and the illustrations are all in colour, a welcome improvement on the grainy greyness of those of 1994.

The content has benefitted from a thorough review, updating, and expansion. The scope of the book has been consciously widened. This new edition, the introduction tells us, develops 'a greater understanding of copy-specific evidence in historic books and its value within the broader framework of book history' (p. 1). This is mostly contained in an expanded introduction, which makes the case for the uses of provenance information within the discipline of book history, and discusses the nature of the evidence for provenance, and its limitations. There is also a new chapter, a bibliographical survey of the literature on provenance, book collecting and private libraries. These sections, while intended to provide a justification for the subject, are in this context probably speaking to the converted, although they are a welcome addition which may broaden the understanding of the subject of those coming to the book for purely practical purposes. To the same end, the new edition is much more generously supplied with footnotes than the previous one, and a larger

proportion of these direct the reader to literature which will enlarge their knowledge, rather than merely answer their immediate question.

The book remains fundamentally a practical manual for the researcher. Every chapter of the text has been expanded and augmented, and a new chapter on the uses of bookbindings as evidence of provenance has been added. Most of the chapters are guides to a particular type of source material – inscriptions, bookplates, book stamps and stencils, sale catalogues, etc., containing an explanation of the topic and copious listings of reference sources on the subject. There is an immensely valuable guide to heraldry, written in comprehensible language. The text is densely packed with information, and illustrative examples, which, probably deliberately, include many of the major collectors and owners whose books are widely scattered and are likely to be encountered in libraries.

The text includes three sections which are information sources in their own right: a list of mottoes used by British book collectors, citing a specific example of each one, with the library shelfmark; a directory of the sources of information for the provenance of their own collections, in most of the major British institutional libraries, and a selection of those in North America and Australasia; and a survey of sale catalogues, including the business histories and locations of surviving catalogues of the major British firms of booksellers and auctioneers. All of these have been expanded and updated in the new edition.

One major development since the first edition of the book came out is, of course, the internet. The new edition incorporates references to online sources where these are deliberately constructed as such, but, sensibly, avoids getting entangled with digital surrogates of printed editions. Where a printed source is cited, the details of the original are given, leaving the reader to search for a digital surrogate themselves, if required.

There are few things to criticise. Indexing a book such as this is tricky, there being a need for both topical subject indexing, and indexing of the many names of book owners who appear in the text. As it is, topical subject indexing is ‘selective’, the reader being expected to make use of the structure of the chapters to find their way around. Sometimes it is too selective: there is no entry in the index for ‘music’, but serendipitously on p.395 is an entry for A. Hyatt King’s *Some British Collectors of Music c.1600-1960*. It is not clear how anyone looking for guidance on the provenance of music would easily locate this vital reference.

One major regret is that, with a few exceptions, the text is limited to British provenance sources. This is clearly stated in the introduction, with the perfectly reasonable explanation that there are ‘limits to what can be brought together in one volume’ (p. 2). There is an opportunity for someone else here.

Readers of this journal will want to know how useful the book is as a guide

to researching the provenance of music in particular. Music can present some challenges, for example, frequently bearing the ownership marks of women, which often add a layer of complication to identifying an individual. There are undoubtedly some areas where music will push the boundaries of the information given, but most of the advice and sources cited apply equally well, and *Provenance Research in Book History* will be just as invaluable in the music library as the rare books department.

Elizabeth Quarmby Lawrence

Lee Marshall, *Bootlegging: Romanticism and Copyright in the Music Industry*. London: Thousand Oaks; New Delhi: Sage, 2005. viii, 169 p. ISBN: 139780761944904. Hardback. £117.00

One does not expect to find a word as contemporary as ‘bootlegging’ adjacent to the word, ‘Romanticism’, but the title is a completely accurate description of what lies within. The author, now a Professor of Sociology at the University of Bristol, developed this book in 2005, from his doctoral thesis (2001) at Warwick University.¹ Although not a new publication, this book is being reviewed here because it covers new ground, yet it may not perhaps have hitherto crossed the radar of *Brio* readers or the audiences with whom they intersect. Bootlegging – not a term encountered in the period of the ‘Claimed From Stationers’ Hall’ music network project – is defined as ‘live concert recordings or studio outtakes reproduced without the permission of the rights holder’, and the book jacket blurb outlines Marshall’s central tenet – that the same ideals of authenticity in the ‘copyright rhetoric and practice’ of the ‘legitimate industry’ can be said also to motivate the desire for bootleg recordings. Bootlegging as an activity has, it appears, received scant attention in the literature of sociology and cultural studies, so this monograph definitely fills a gap (p. 5).

Marshall’s introduction defines his own stance regarding the ideology of Romanticism and its delicately balanced place between ‘capitalist rationalism and aesthetic experience,’ (p. 2). (He also delivers a timely reminder that there is much more to ‘Romanticism’ than sentimental novels or nineteenth-century symphonies!) Marshall stresses that this is not a legal textbook, but an examination of the implications of copyright and the challenges that it poses, suggesting that copyright legislation’s inevitable restrictions do themselves

¹ Lee Marshall, ‘Losing one’s mind: bootlegging and the sociology of copyright’. PhD thesis (Coventry: University of Warwick, 2001). Parts of chapters 7 and 8 of the present monograph first appeared during the intervening years, in *Popular Music*, 23:1 (2003) and *Media, Culture and Society*, 26:2 (2004).

contribute to the practice of piracy. His examination of the growing concept of copyright *protection* for authors, and the historical development of an understanding of what it meant to be an author, elevates the book from a mere history of legislation, to a history of ideas and aesthetic considerations – concepts that it is easy to overlook as we engage upon the daily queries about whether a work is ‘in copyright’ or not.

The main text commences with an historical overview of copyright legislation going back to before the Statute of Anne (1710), reminding us of its origins as a means of regulating trade (the right to print copies) and encouraging learning, rather than as any real consideration of authorial rights; it also considers legislation in the French revolutionary era, and in America, where the imperative of public learning was foremost. Having marked the early recognition of the author’s own intellectual rights, and the inevitable conflict with trade rights, the stage is thus set for consideration, in the second chapter, of the Romantic concept of authorship and individual artistic expression, and specifically how this impacts upon copyright. It is refreshingly informative, for example, to be reminded that an author’s interest in copyright affects not only their immediate rights for the protection of their artistic originality, but also, in the broadest of terms, the facing of their own mortality and legacy, as evidenced by Wordsworth’s nineteenth-century involvement in attempts to improve the legislation.

The first two chapters actually occupy just over one third of the book. If one was looking for a readable summary of historical and aesthetic considerations of copyright for undergraduate use, then this in itself would make the book a worthwhile acquisition. However, for readers with interests extending beyond nineteenth-century history either of copyright or aesthetics, then the main value of the text is yet to follow. The implications of the Romantic notion of authorial copyright are discussed in Chapter 3, in the context of popular music and, most specifically, rock authenticity, which Marshall sees not only as a clearly identifiable descendant from the ideologies that evolved during the Romantic era, but also the most vulnerable to bootlegging. Marshall argues that both eras have similarities in that they were witness to changing audiences, to developing technologies, and both also share cultural influences and a turning against bourgeois values. Not only this, but both similarly devoted much time to examinations of the dichotomy between ‘art’ and commerce, and to defining what was ‘authentic’ in a performance. Again, Marshall notes that the nineteenth-century fascination with primitivism is reflected in the rock era by the interest in music such as the blues, and other music of the oppressed. At this point, we’re introduced to the crux of the matter: the fact that widely-available recording technologies made it possible to record and disseminate rock music, thereby destroying some of the ‘authenticity’ of the original version as performed in live concert, whether the recording is a trade recording involving overdubbing and multi-tracking, or piracy.

The remaining six chapters are then devoted to the central theme of the book: commodification, piracy and public rights, and questions of international copyright. 'Romanticism is part of our way of understanding the world and, as such, it is real rather than fake', Marshall reminds us, citing intellectual property authority Siva Vaidhyanathan (p. 71). In the wide-ranging discussion that follows, the reader is invited to consider music both from the point of the view of the individual consumer choosing particular pieces as a means of personal self-expression, and that of the commercial producer, not to mention considering the relationship between music creator and record industry. Thus, for example, an artist will consider their art to be unique, whilst to the producer it is a commodity for mass production. At the same time, the 'Romantic author' is a concept used when arguing for copyright protection; in this context, Marshall suggests that 'it is necessary to present copyright as an aesthetic rather than an economic issue' (p. 83). Thus the consumer of a recording is encouraged to focus on the moral wrong committed against the author, as much as the crime of defrauding the record label.

Since the music industry is a global one, those involved in its production and in rights protection are also governed by international conventions and trade regulations. Marshall deftly summarises these points in Chapter 6, before moving on to his detailed discussion of bootlegging in this and the final two chapters. Different types of piracy are defined, introducing key terminology, before turning to give an overview of the bootlegging of sound recordings (which actually extends back to the earliest years of the twentieth century), and then lastly, considering its impact on the record industry. As music librarians, we would not knowingly accept bootlegged recordings into our collections. Nonetheless, questions of who would obtain such recordings (fans of a particular artist), or what impact the activity actually has on legitimate record sales, are interesting ones. This sociological approach is thought-provoking, and certainly introduces a different way of looking at the issues. The author argues that bootlegging actually has minimal impact, and indeed helps to keep the artist's name current between their release of new albums; that the fan is creating performative 'meaning' in collecting bootlegged recordings; and indeed, that it actually takes place on a comparatively small scale. Such arguments are in the domain of 'subcultural studies', also known as 'subcultural theory'. Notwithstanding these and other persuasive arguments, Marshall also explores the legal responses to bootlegging, and some of the rhetoric against bootlegging as a crime against the artistic creator of the recording.

So, in summary, how should we regard bootlegging? How is it perceived by the recording industry, and is there any hope of challenging or changing these perceptions? The book is to be commended for taking a multifaceted approach to the whole subject of copyright, romantic conceptions of authorship,

and modern-day bootlegged recordings. It is engagingly written. Additionally, as one would expect from a monograph derived from a doctoral thesis, it comes with a useful bibliography, giving an excellent overview of contemporary writings on the issues therein. It is surprising that it has attracted so little attention in terms of reviews and citations.

Karen E. McAulay

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